

172
I do allow the Reprinting of
this Book, Entituled, *The*
Charter of R O M N E Y.
M A R S H, with the Pre-
face and Table thereunto.

Serjeants-Inn in
Fleetstreet, December
the 22th. 1685.

THO. JONES.

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~~THE~~ ^{B. 7. 1. 449}
THE
CHARTER

OF

Romney-Marsh;

OR THE

LAWS and CUSTOMS

OF

Romney-Marsh:

Framed and Contrived by the

Venerable Justice,

HENRY de BATHURST.

Very useful for all Professors of the Law,
and also for all Lords of Towns, and other
Land-holders within *Romney-Marsh*, *Bedford-
Level*, and all other Marshes, Fenns, and
Sea-Borders.

*Rerum Ordo confunditur, si unicuique Ju-
risdictio non servetur.*

LONDON,

Printed by S. R. for Samuel Keble at the Turks Head
in Fleetstreet. 1686.

THE
CHARTER

OF
REVENUE

OF THE
LAW AND CUSTOMS

OF
REVENUE

Enacted and Continued by the

Venerable Justice,

HANRATHE



Very useful for the Law,
and also for all other
Landholders within the City,
Tower, and all other Places,
Sea-Borders.

Revised and confirmed by
the same Court.

LONDON

Printed by J. A. for S. and W. at the Sign of the



THE PREFACE.

Reader,

T*His small Treatise now put
into thy Hand, has no less
of Authority and Use, than
it has of Antiquity. It con-
tains the Ancient Charter of
King Henry the Third, concerning the Or-
dinance of Romney-Marsh, and the Laws
and Customs made by the Learned Justice
Henry de Bathe, in the Two and fortieth
year of the Raign of the said Henry the
Third, for the Reparation of the Sea-Banks,
and for the preservation of the said Marsh*

The Preface.

from Inundations ; and is since become the Pattern or Law for all other Sea-Borders , and great Marshes and Fenns. I need not use much Art to recommend to the Ingenuous Reader , the Authority and Usefulness of this Book ; It being the Grant of a Wise Prince , and the Law and Ordinance Framed and Contrived by a Learned Sage in the Laws of this Realm , and continues to this day the Standard from whence all England receives Light and Direction , as will appear by these following Examples.

6 H.6.cap. 5.

The Act of 6 H. 6. cap. 5. in the very Form of the Commission of Sewers, it is there said, That the Commissioners shall make and ordain necessary and convenient Statutes and Ordinances for the Defence and Safety of the Sea-Banks and Marshes, and the parts adjoyning according to the Laws and Customs of ROMNET-MARSH, and to hear and determine according to the Law and Custom of our Realm of England, and the Custom of ROMNET-MARSH, all and singular the Premises, &c. The Famous English Lawyer Sir Edward Cook, in the Fourth Part of his Institutes of the Laws of England, hath these words, " ROMNET-MARSH in the
" Coun-

4 Inst. cap. 62.
fo. 276.

The Preface.

"County of *Kent* containing 24000
 "Acres, is at this day, and long time
 "hath been, Governed by certain Aun-
 "cient and Equal Laws of Sewers, made
 "by the Venerable Justice *Henry de*
 "*Bathe*, in the Raigh of King *HEN-*
 "*RY* the Third, from which Laws, not
 "only other Parts in *Kent*, but all *ENG-*
 "*LAND* receive *LIGHT AND*
 "*DIRECTION*. For Example,
 "in the General Act of 23 *H. 8. cap. 23 H. 8. cap. 5.*
 "5. concerning Sewers in *Section 3.*
 "there is a Clause which giveth pow-
 "er to the Commissioners to make Sta-
 "tutes, Ordinances and Provisions, &c.
 "necessary and behoofeful after the Laws
 "and Customs of *ROMNEY - MARSH*
 "in the County of *Kent*, or otherwise
 "by any ways and means, &c. *The*
 "*Learned Serjeant Callis in his Read-*
 "*ing upon the Statute of 23 H. 8. cap. 5.* Callis his Read-
 "of Sewers, makes very great use of, ings.
 "and frequently quotes the Charter of
 "*Romney-Marsh*, as the Basis on which
 "that Statute was founded, as you find
 "by perusing that Reading. By all which
 "it will evidently appear, of what Use
 "and Esteem the Law and Customs of
 "*Romney-Marsh* have been held in, in

The Preface.

15 Car. 2. cap. 2.
Sect. 5.

time past, by the most Eminent Professors of the Law. Nor is it of any less Use and Esteem at this day, as may be seen by the Statute of 15 Car. 2. cap. 2. made for the draining the great Level of the Fenns, called Bedford-Level, in Section the fifth, where there is a Clause, That the Governors, Bailiffs, and Conservators of Bedford-Level, shall have further power (as well for the Maintenance of the said GREAT LEVEL, as for laying and levying of Taxes) to use and exercise within the said Great Level, such and the like Laws and Customs; and constitute and appoint such and the like Officers, from time to time, as are or lawfully may be used in ROMNET-MARSH in the County of Kent. Now Reader, having given thee the Opinion of the Learned upon this Treatise it self: I shall let the Reader know the Reasons that induced the Publisher to reprint it: (1.) The General Benefit and Advantage that all may Reap thereby. Secondly, The particular Sollicitation of some Friends, who are Interested in this, or some other Marshes subject to these

The Preface.

these Laws and Customs, and having long Endeavoured to purchase this small Tract, could not obtain it under 6 s price, its scarceness and usefulness having enhanced its price so far beyond its bulk; for which Reasons the Re-printing it was deemed of General Acceptation and Advantage; which that it may so prove, is the Publishers great Design and Aim.

those Laws and Customs, and having
long endeavored to purchase this land
I now, could not obtain it under a
price, its owners, and especially the
king, would not let its price go beyond
its bill: for which reason the Ro-
printing is now desired of General An-
tonio and Advantage: which that it
may be done, in the English Court the
day after tomorrow.

TABLE
OF THE
Principal Matter
Contained in this
BOOK.

A.

Action of Trespafs against the Bailiff
for taking a Distrefs, with proceed-
ings thereon 10,20
Accounts by the Officers how to be made 66
Amerci-

T A B L E.

Amerciaments set, with the time to be pro-
claimed and how

74

B.

B ailiff to give notice to repair	14
Bailiff to Repair if the owner neglect and to recover double Costs	14, 15
Bailiff how and when to be chosen	45, 63
The Bailiffs Office and Duty	51
Bailiff of <i>Romney-Marsh</i> to oversee the Bai- liff and Jurors beyond the Greeke towards <i>Suffex</i>	51
Bailiff of <i>Romney-Marsh</i> to oversee the Bai- liff and Jurors of <i>Oxney</i> and <i>Lyde</i>	54
Bailiff Refusing to serve to be Amerced	40 s. 63.
Bailiffs Fee	63
Bailiff absent when chosen how to be pro- ceeded against	66
How the Bailiff is to Account	66
Bailiffs Oath	70, 71
Bailiff and Jurors to be allowed their Costs on making their Ordinance in any Fo- reign Marches or places	75

C.

C harter of King <i>Henry</i> the third	1, 2
Charter of <i>H. 3</i> pleaded	41
Collectors Oath	70
Collectors how to be Chosen	67.
Col-	Col-

T A B L E

Collectors refusing to be Sworn to be Amerced 67

Collectors of Assessments how to Account 66

Commission of Oyer and Terminer to Henry de Bathonia 73

Lands held in Common how to be taxed 14

Commission of King E. 1. unto Justice Lovetor and others 37

Commission of King E. 2. to William de Wallayn 34

Commission of E. 3. to Thomas Lord Ludlow and others 56

Conduits how to be kept 74

Confirmation of the Ordinance of Henry de Bathonia, by Justice Lovetor and others 49

Damms not to be made 71

Those that make Damms to be Amerced at the discretion of the Bailiff and Jurors 71

Damages by making Damms to be recompensed to the party prejudiced thereby 71

Defaulters in not repairing how punished 14, 15

Distresses to be made by the 24 Jurates 1, 2

Who shall be Distrained to Repair 47

Double Costs to be recovered for not repairing after notice 14

Dou-

T A B L E.

M.

How the Walls are to be measured 11, 12
 Who shall measure the Walls and Lands sub-
 ject to danger ib.
 The Marshes beyond the Creek towards *Sus-*
sex to be under the same Jurors and Bai-
 liff. 50, 51

O.

Oath of the Jurors 70
 Oath of the Collectors 70
 Oath of the Bailiff 70, 71
 Ordinance of *Henry de Bathonia* 5, 9
 Ordinance of *Henry de Bathonia* confirmed 45
 Ordinance of *William de Walleyne* and others 2 E. 2. fo. 63
 Ordinance of *Henry de Bathonia* pleaded 28, 44
Oxney-Marsh to have the same Officers and
 Laws as *Romney-Marsh* 38, 43
 Commission of Oyer and Terminer to *Henry*
de Bathonia 7, 8

P.

Custom and Charter of *Romney-Marsh*
 pleaded in Justification by the Bailiff in
 taking a Distress 22
 Prescription in *non Reparando* 26
Pre-

T A B L E.

Precept to the Sheriff to Return a Pannel

41,42

Proclamation to be made of all Amercia-
ments, and of the time of their payment

14

R.

Rescous on the Bailiff in making his
Distresses how to be punished 75
Reparations how Assigned and by whom to
be done 14,47

S.

Sheriff or his Officers not to intermeddle
with Distresses

34,18

Sheriff to Return a Pannel to enquire

41,42

Suffex part thereof Governed by the Laws
and Customs of *Romney-Marsh* 50,51,75

T.

Trespas brought against the Bailiff for
taking a Distress

19

Tenants in Common how to be Taxed

14

W.

Walls how to be Measured and by whom

11,12

THE

CHARTER
 THE
 CHARTER
 OF

Romney-Marsh.

B

CHARTA

CHARTA HENRICI REGIS ANGLIÆ,

De Ordinatione

Marisci de ROMNEY.

Charta Henrici
tertii Regis.

HENRICUS Dei gratia, Rex Angliæ, Dominus Hiberniæ, Dux Normandiæ, & Comes Andeg. Omnibus Ballivis suis & fidelibus suis, ad quos præsentis literæ pervenerint, Salutem. Quia per viginti quatuor legales homines de Marisco de Romney, à tempore quo non extat memoria, ad hoc electos & Juratos, debent distinctiones fieri, super omnes illos qui terras & tenementa habent in dicto Marisco, ad reparandum Wallias & Watergagia ejusdem Marisci contra Maris periculum. Et etiam super omnes, qui ad reparationem prædictarum Walliarum & Watergagiorum obligati sunt & tenentur, Nos concessimus eisdem viginti quatuor, quod pro securitate dicti Marisci, distinctiones illas fieri faciant, ita quod æque fiant, secundum portiones majores & minores,

Concessio 24.
Jurat quod
distinctiones
fieri faciant.

(2)

THE
 CHARTER
 OF
 HENRY
 KING of ENGLAND,
 Concerning the
 Ordinance of *Romney-Marsh*.

HENRY by the Grace of God, The Charter of King of England, Lord of Ireland, King Henry the Duke of Normandy, and Earl of Third.
Anjou Andeg. To all his Bailiffs and faithful Subjects, to whom these present Letters shall come, Greeting. Because by four and twenty lawful men of *Romney-Marsh* (time out of mind) hereunto chosen and sworn, Distresses ought to be made upon all those which have Lands and Tenements in the said *Marsh*, To repair the Walls and Watergates of the same *Marsh*, against the dangers of the Sea. And also upon all those which are bound and charged for the reparation of the said Walls and Watergates: We have granted to the same four and twenty, that for the safety of the said *Marsh*, they cause those distresses to be done, so that they be made equal, according to the portions greater and less.

A power granted to the 24 Jurates to make Distresses.

Nullus Vicecomes vel aliquis Ballivorum suorum cum districtionibus illis se intromittant.

res, quas homines habent in eodem Marisco, & secundum quod quidam ad hoc obligantur & tenentur. Et ideo volumus & concedimus, quod nullus Vicecomes noster *Kam* *cia*, vel aliquis Ballivorum suorum, de districtionibus illis per considerationem prædictorum viginti quatuor Juratorum factis propter prædictum periculum evitandum, in aliquo se intromittant. Quicumque enim de consideratione ipsarum districtionum, ad nos querelam detulerit, nos ei in Curia nostra justitiam fieri faciemus, & illam justitiam nobis vel Mandato nostro speciali, specialiter reservamus. In cujus rei Testimonium, has Literas nostras fieri fecimus Patentes. Teste meipso apud Sanctum *Edmundum*, Secundo die *Septembris*, Anno Regni nostri tricesimo sexto.

Ordi-

ser, which men have in the same Marsh,
 and according to that which some are *what*
 bound and charged. And therefore we will *thereto*
 and grant, that none of our Sheriffs of *The Sheriff or*
 Kent, or any his Bailiffs, do in any wise *his Officers not*
 intermeddle touching those Distresses made *to intermeddle*
 by consideration of the same four and *with those Di-*
 twenty Jurozs to avoid the same danger. *stresses.*
 For whosoever shall bring Complaint unto
 us, *touching* of the consideration of those Distresses,
 we will cause Justice to be done unto him
 in our Court, and that Justice we reserve
 specially to our self, or our special *mandat* Com-
mandment. In witness whereof, these
 Letters we have caused to be made Pa-
 tents. Witness my self at S. Edmonds,
 the second day of September, in the six and
 thirtieth year of our Reign.

¶ *Ordinatio Henrici de Bathonia*, Justiciarij Domini Regis *Henrici*, filij Regis *Johannis*, facta per præceptum ejusdem Domini Regis, super contentione orta inter viginti quatuor Juratores & homines de *Marisco de Romenal*, de reparatione Walliarum & Watergagiorum, ibidem existentium apud *Romenal*, die *Sabbati* proximè post Nativitatem beatæ *Mariæ Virginis*, Anno regni Regis *Henrici* prædicti quadragesimo secundo, associatis sibi *Nicholao de Handlo*, & *Aulredo de Dene*, &c.

Ordinatio Henrici de Bathonia.

Dominus Rex Mandavit prædicto *Henrico de Bathonia*, quod cum iudicia fieri debeant per viginti quatuor legales homines de *Marisco de Romenal*, ad distinctiones faciendas super omnes illos, qui terras, & tenementa habent in prædicto *Marisco*, ad reparandum Wallias & Watergagia ejusdem *Marisci*, contra *Maris* impetum & inundationem aliarum aquarum. Et etiam super omnes illos qui ad reparationem prædictarum Walliarum & Watergagiorum alias obligati sunt vel tenentur. Et eisdem viginti quatuor Juratis, Dominus Rex, per Literas suas Patentes, nuper concessisset quod pro securitate prædicti *Marisci*, distinctiones prædictas fieri facerent, ita quod debitè fierent, secundum portiones majores

Charta H. 3. secunda.

The Ordinance of Henry of Bathonia, Justice of our Lord King Henry, Son of King John, made by Precept of the same Lord the King, upon contention arisen between the four and twenty Jurozs, and the men of Romney Marsh, touching reparation of the Walls and Watergages there being, at Romney, on Saturday next after the Nativity of the blessed Virgin Mary, in the two and fortyeth year of the said King Henry, adjoyning to him Nicholas of Handlo, and Aulred of Dene, &c.

Our Lord the King hath given in charge to Henry of Bathonia, that The Ordinance of Henry de Bathonia. whereas Judgment ought to be done by four and twenty lawful men of Romney-Marsh, to distrain upon all those which have Lands and Tenements in the said Marsh, to repair the Walls and Watergages of the same Marsh, against the force of the Sea, and inundation of other Waters, and also upon all those which are bound and charged with the reparation of the same Walls and Watergages. And to the same four and twenty Jurozs our Lord the King by his Letters Patents hath lately granted, Recital of the Charter of H. 3. That for safety of the said Marsh, they should cause Distresses to be made, so that they may be duly done, according to the portions,

B 4 greater

Callis Lett. fol.
155.

*Juratores prop-
ter resistantiam
hominum Ma-
risci dictas di-
strictiones fa-
cere nequeant.*

*Rex constituit
Henricum de
Bathonio ad
audiend' &
term n. r. d'
contentiones in-
ter prædictos
24. Jurat' &
homines præa
Marisci.*

majores & minores, quas homines habent in eodem Marisco, & secundum quod quidam ad hoc obligantur vel tenentur. Ita quod nullus Vicecomes Domini Regis *Kancie*, vel aliquis Ballivorum suorum, de distractionibus illis per considerationem prædictorum viginti quatuor Juratorum factis propter periculum prædictum evitandum, in aliquo se intromittant. Sed si quis de consideratione prædictarum distractionum se injuste gravatum sentiret, & inde conqueri vellet, ad ipsum Dominum Regem, querelem suam deferret, & ipse ei in Curia sua Justitiam fieri faceret, & illam Justitiam, ipsi Domino Regi vel Mandato suo speciali specialiter reservasset, iidem viginti quatuor Juratores, propter considerationem & resistantiam quorundam hominum de prædicto Marisco, qui ad reparationem dictarum Walliarum & Watergagiorum, secundum quantitatem terrarum & tenementorum quæ habent in eodem Marisco tenentur, dictas distractiones facere nequeant, unde Walliæ illæ & Watergagiæ irreparatæ existunt per quod inundationes Maris & aliarum aquarum de dicto Marisco magnum occupant spatium, ad ipsius Domini Regis & hominum dicti Marisci inestimabile dispendium. Ipse Dominus Rex, dictum *Henricum* constituit, Justiciarium suum, ad audiendum & terminandum contentiones ortas de reparatione prædicta, inter prædictos viginti quatuor,

greater or less, which men have in the
 same Marsh, and according as some are ^{obliged}
 and bound and holden hereunto. So that no ~~do not~~
 Sheriff of Kent of our Lord the King, or
 any his Bailiffs, do in any wise inter-
 meddle with those Distresses made by con-
 sideration of the foresaid four and twenty
 Jurors for avoiding the danger aforesaid.
 But if any should think himself
 grieved unjustly touching the consideration
 of those Distresses, and would complain
 thereof, he should bring his Complaint
 unto him our Lord the King, and
 he would cause Justice to be done to him
 in his Court, and that Justice had specially
 reserved to him our Lord the King,
 or to his special Mandate. The said four
 and twenty Jurors (for the consideration
 and resistance of certain men of the
 same Marsh, which are bound to re-
 pair the same Walls and Watergages, ac-
 cording to the Quantity of the Lands
 and Tenements which they have in the
 same Marsh) cannot make the same
 Distresses, whereby the Walls and
 Watergages lye ruined, By reason
 whereof the Inundations of the Sea
 and other Waters do overflow a
 great part thereof, to the great de-
 triment of our said Lord the King, and
 men of the same Marsh. He our Lord the
 King, hath appointed the said Henry, his
 Justicer, to hear and determine the con-
 tentions arisen touching the same repara-
 tion, between the same four and twen-
 ty

The Jurors be-
 ing resisted by
 the Men of the
 Parish, cannot
 make their Dis-
 tresses.

The King ap-
 points Henry de
 Bathe his Justi-
 cer to hear and
 determine the
 Controversie
 between the Ju-
 rors and Men
 of the Marsh.

tuor Juratos, & homines prædicti Marisci. Et providendum securitati & defensionis prædicti Marisci, contra Maris & aliarum aquarum inundationem & periculum, per reparationem prædictarum Walliarum & Watergagiorum faciendam, per eos qui ad reparationem illam, secundum quantitatem Terrarum & Tenementorum quæ habent in eodem Marisco tenentur, & secundum quod quidam ad hoc, alias obgligantur & tenentur. Mandans eidem *Henrico*, dictus Dominus Rex, quod ad diem & locum quos ad hoc duxerit providendum esset in partibus illis, ad prædicta faciendum sicut prædictum est: Et quod ipse quid inde fecerit, ipsi Domino Regi in scriptis, distinctè & apertè scire faceret, ut idem Dominus Rex ea irrotulari facere posset, &c.

Ordinatio Hen-
rici de Batho-
nia Justiciarij
Domini Regis
H. 3.

Per quod Mandatum, idem *Henricus* die supradicto, existens apud *Romenal* associatis sibi prædicto *Nicholao de Handlo*, & *Aulredo de Dene*, & assistente eidem Vicecomite *Kancia*, qui per præceptum Domini Regis ad diem illum, coram illo venire fecit, tot & tales probos & legales homines de Balliva sua, per quod dictæ contentiones terminari, & dicta provisio melior fieri possunt, nullo homine de prædicto Marisco tunc contradicente; dictus *H E N R I C U S* communitatis prædicti Marisci similiter ibidem tunc existentis, interveniente Consilio ordinavit in forma

ty Jurors, and men of the said Marsh. And to provide for security and defence of the said Marsh against inundation and peril of the Sea and other Waters, by reparation of the said Walls and Water-gages to be made by them which are bound to repair it, according to the quantity of the Lands and Tenements which they have in the same Marsh, and according to that which some are otherwise bound and holden hereunto. Our said Lord the King commanding the said Henry, that at the day and place which he should limit, ^{a certain} ~~he should provide to dis-~~ ^{appoint he} ~~patch the same, as is aforesaid:~~ ^{shall take care} ~~And~~ ^{to be in those parts} ~~what he shall do therein, that to him the~~ ^{to hear and deter-} ~~said Lord the King he make known distinct-~~ ^{mine y^e said} ~~ly and plainly in writing, that the same~~ ^{Controversies} ~~Lord the King might cause it to be inrolled,~~ ^{of above} ~~&c.~~

By which Mandate, the said Henry, in the day aforesaid being at Romney, joining to him the same Nicholas de Handlo, and Aulred of Dene, and the Sheriff of Kent assisting him, which by Precept of our Lord the King at the same day, caused to come before him so many and such honest and lawful men of his Bailiwick, by which the same Strifes may be ended, and the same provision may the better be effected, none of the same Marsh then withstanding it: The said HENRY, ^{The Ordinance of Henry de Bathonia.} ~~in the presence of the Commonalty of~~ ^{at y^e request of y^e} ~~the said Marsh then being there with~~ ^{their} ~~their Counsel pleading, Ordained as~~ ^{followeth:}

Quod 12. ho-
mines Eligantur
per totam Com-
munitatem, viz.
6. de Feod' Ar-
chiepiscopi, et 6.
de Baronia qui
mensurabunt
Wallias et Ter-
ras quæ infra
dictum Maris-
cum periculo
subjacent.
Callis Lect. fol.
158.

Jurat' pro porti-
one Acrarum
Terrarum peri-
culo singulis as-
signetur sua
portio pertica-
rum per loca
certa. 2.

forma subscripta: videlicet, quod per to-
tam communitatem dicti Marisci eligantur
duodecim legales homines, videlicet, sex
de feodo Archiepiscopi *Cantuariensis*, &
sex de Baronia qui jurati mensurabunt
Wallias novas & antiquas, & illas qui de
novo construi oporteat. Et debet fieri ea-
dem mensuratio per unam & eandem per-
ticam, scilicet, viginti pedum. Et postea
prædicti Jurati per eorum Sacramentum
similiter per eandem perticam mensura-
bunt, per Acras omnes Terras & Tene-
menta quæ infra dictum Mariscum peri-
culo subjacent. Quibus mensurationibus
factis, viginti quatuor per communitatem
prius electi & jurati, habito respectu ad
quantitatem Walliarum, Terrarum & Te-
nementorum, quæ periculo subjacent, per
eorum Sacramentum ordinabunt, quan-
tum ad prædictarum Walliarum sustenta-
tionem & reparationem faciendam & su-
stinendam, ad quemlibet pertineat: Ita
quod pro portione Acrarum Terrarum
periculo subjacentium singulis assignetur
sua portio perticarum, & prædicta
assignatio fiat per loca certa. Ita ut sci-
atur ubi & per quæ loca, & ad quantum
singuli defendere teneantur. Et cum ne-
cessitas evenerit cujus occasione oport-
eat periculo & impetu Maris obviare
vel resistere per reparationem Wallia-
rum prædictarum, convenire debent vi-
ginti quatuor Jurati, ad videndum per
quæ loca prædicta emineat necessitas, &
cui

followeth: That is to say, that by the whole Commonalty of the same Marsh, twelve lawful men may be chosen, to wit, six of the Fee of the Archbishop of Canterbury, and six of the Barony, which being sworn, shall measure the Walls new and old, and those which ought to be new erected. And the same measuring should be done by one and the same Perch, to wit, of twenty foor. And afterwards the same Jurors upon their Oaths also by the same Perch shall measure by all the Acres, Lands and Tenements which are subject to danger within the same Marsh: Which measuring being done, the twenty four by the Commonalty first elected and sworn, having respect to the quantity of the Walls, Lands and Tenements which are subject to peril by their Oath, shall ordain how much appertaineth to every one to uphold and repair the same Walls. So that for the portion of Acres of Lands lying subject to danger, there be assigned to every one his portion of Perches by certain Bounds: so as it may be known where and by what places every one ought to ~~make~~ ^{be} defensible, and when need shall be, by whole occasion the peril and force of Sea ought to be withstood by repairing the same Walls, And there ought to come the four and twenty Jurors to see through which of the same places such need chancessh, and

That twelve men shall be chosen, viz. six of the Fee of the Archbishop, and six of the Barony, to measure the Walls and the Lands subject to danger.

all the

how much

The Jurors to assign to every man his portion of Perches by certain Bounds, according to the portion of Acres subject to danger.

view of places of danger

meet together

3. cui & quibus prædicta loca assignata fuerint defendenda, & ipsum terminum prædicta loca oporteat reparare. Qui quidem communis Ballivus illis quibus prædicta loca assignata fuerint defendenda, scire faciet, quod loca illa defendent, & reparare faciant, infra terminum à prædictis viginti quatuor Juratoribus, assignatum, infra quem terminum, si ipsi ad hoc facere neglexerint: dictus Ballivus communis de suo proprio, tales reparationes fieri faciet, per visum viginti quatuor Juratorum. Et idem negligens eidem Ballivo duplum reddere teneatur pro custodia appposito circa hujusmodi reparationes, quod duplum reservetur ad utilitatem dictarum reparationum. Et super hoc hujus negligens distringi possit per Terras suas, infra dictum Mariscum. Et si aliquæ perticulæ Terrarum teneantur in communi, à participibus, ita quod ad quemlibet participem, pro portione partis suæ assignari non possit, locus certus, scilicet, integra vel medica pertica, pro parvitate dictæ perticulæ, tunc per Sacramentum viginti quatuor Juratorum ordinabitur & videbitur ad quantum prædicta Terra quæ sic tenetur in communi sufficiat defendere, & assignabitur certa portio defensionis, prædictis participibus in communi pro portione Terræ suæ communis. Et si quis participum, partem suam neglexerit defendere cum per prædictum Ballivum dicti participes fuerint admoniti, pars

Ballivus illis quibus loca assignata fuerint defendenda, scire faciet quod reparare faciant infra terminum assignat' per Jurat'.

Si ipsi ad hoc facere neglexerint Ballivum tales reparationes facere. Et idem negligens Ballivo duplum reddere et distringi possit per Terras suas.

De Terris tenentis in Communi.

Jurat' ordinabit quantum quilibet eorum defendere debet.

to whom the same places were assigned to be defended, and ~~ought the same time to~~ ^{within} ~~be repaired.~~ ^{what time} Which common Bailiff shall

I give notice to them, to whom the same places were appointed to be kept, that they repair and amend the same places within the time by the same four and twenty Jurors appointed. Within which time if they neglect to do it, the said common Bailiff of his own charge shall repair such defaults by the view of the four and twenty Jurors, and the same party neglecting, shall be compelled to pay double Costs to the same Bailiff for his Charges laid out upon the same reparations, which double must be reserved for the benefit of the same Reparations. And moreover, the negligent herein may be distrained by his Lands within the same Marsh. And if any Perches of Lands be holden in common of Partners, so that to every Partner, a certain place for the portion of his part cannot be appointed, to wit, all or half a Perch by reason of the smallness of the same Perch, Then by the Oath of the four and twenty Jurors it shall be ordained and seen, how much the same Land which is so holden in common ought to defend, and there shall be a certain portion of defence assigned to the same Partners in common for the portion of their common Land. And if any of the Partners shall be remiss in defending his part when the same Partners shall be warned by the said Bailiff, the part of the Partner so remiss,

may

Common Bailiff to give notice to repair within the time the Jurors appoint.

If the Parties neglect, the Bailiff to repair and recover double Costs by distress on the the Defaulters Lands.

Of Lands held in Common.

The Jurors to ordain how much every one is to defend.

If one Partner neglects his part to be assigned to the other who makes his defence.

Si aliquis participum neglexit pars sua aliis participibus assignetur, qui defensionem facient. Et illi tenent donec ipsi duplum solverint. Et si omnes participes neglexerint, Ballivum defensionem facere, et distringere duplum super participes.

Salvo Capitali Dominii feodi suo Jure.

Salvo Communitati dicti Marisci tenore Chartæ Domini Regis eisdem concessæ.

pars participis negligentis aliis participibus assignetur, qui defensionem facient. Et qui partem participis sui negligentis in manu sua tenent, illam tenebunt, donec ipse negligens appositus custos circa prædictam defensionem, partem suam contingentem, per visum viginti quatuor Juratorum, duplum solverit, ad utilitatem prædictarum reparationum, sicut dictum est. Et si omnes hujus participes circa prædicta negligentes extiterint, tunc prædictus communis Ballivus totam defensionem prædictam faciet de suo proprio, & prædictos participes postea ad duplum custi circa hujusmodi defensionem, per visum viginti quatuor Juratorum appositus distringat, sicut prædictum, salvo capitalibus Dominis feodi in prædicto Marisco jure suo quod habeant versus tenentes suos de hujus defensione, secundum Feoffamenta sua; Et quod omnes Terræ in Marisco custodiantur contra Maris impetum & aquarum dulcium inundationes per Wallias & Watergagia per Sacramentum & considerationem viginti quatuor Juratorum, ad minus perdendum & ad plus salvandum sicut antiquitas utebatur. Salvo etiam tenore Chartæ Domini Regis Communitati dicti Marisci concessæ, ne aliquis Vicecomes *Kancie* nec Ballivus suus aut minister aliquis infra dictum Mariscum aliquam faciat distractionem, occasione aliquorum dictorum Articulorum, sicut in prædicta

may be assigned to the other Partners which shall make Defence. And they which hold in their own hand the part of the Partner neglecting, shall keep it until he neglecting shall pay double the Costs bestowed about the same Defence containing his part by the view of the four and twenty Jurors for the benefit of the same Reparations as is aforesaid. And if all the same Partners shall be negligent about the same, then the said Common Bailiff shall make the same Defence of his own Costs, and may distrain the same Partners afterwards for double the Costs about the same Defence by View of four and twenty Jurors as is aforesaid. *The right of the chief Lords of the Fee in the foresaid Marsh which they have re-* *against* *wards the Tenants of this Defence, accord-* *ding to their Froffments reserved.* And that all the Lands in the Marsh may be kept against force of Sea, and inundations of fresh Waters by the Walls and Watergates by the Oath and consideration of twenty four Jurors for the least hurt and best safety, as of old time was used. Saving also the Tenor of the Charter of our Lord the King to the communalty of the said Marsh granted, that no Sheriff, nor any his Bailiff or Minister make any Distress within the same Marsh, by occasion of any the said Articles, as in

And he to hold the others Lands till he be paid double Costs.

If all the Partners shall be negligent, then the Bailiff to repair and distrain the Partners for double Costs.

⁊ saving to the Right touching

⁊ the violence
A saving to the Lords of the Fee their right

A saving to the Commonalty their right.

prædicta Carta continetur; Quæ quidem Carta ista non obstante Ordinatione in suo perpetuo robore perseveret, &c.

*Preve Domini
Regis vicecomi-
ti Kancie quod
de destructioni-
bus prædictis in
nullo se intro-
mittat.*

Rex Vicecomiti *Kancie* Salutem. Cum nuper assignaverimus dilectum & fidelem nostrum *Henricum de Bathonia* ad audiendum & terminandum contentiones habitas inter 24 legales homines de *Marisco de Romanat*, per quorum considerationem reparaciones Walliarum & Watergagiorum ejusdem Marisci contra *Maris* impetum, & periculum aliarum aquarum ibidem inundantium fieri debent, & alias Terras & Tenementa in eodem Marisco habentes, qui Wallias & Watergagias illas reparare debent & solebant. Et idem *Henricus* ad partes illas personaliter decedens, ordinaverit quod secundum considerationem prædictorum viginti quatuor Juratorum distinctiones fierent pro reparacione Walliarum & Watergagiorum prædictarum. Ita quod nullus Vicecomes aut alius Ballivus noster se intromittent de distinctionibus prædictis, sicut in Rotulis *Cancellarie* nostræ, ordinationem illam exprimentibus continetur. Tu nichilominus distinctiones illas propter hoc factum, per viginti quatuor Juratores in præjudicium considerationis eorundem relaxasti. Et quia si quis se gravatum sentiat, ex consideratione prædicta pro qua conqueri voluerit, ad nos venire debet remedium petiturus. Tibi præcipimus, quod de distinctionibus

the said Charter is contained ; which Charter , this Ordinance notwithstanding shall continue in his perpetual force, &c.

The King to the Sheriff of Kent greeting. Whereas we lately appointed our beloved and faithful Henry de Bathonia to hear and determine variances depending between four and twenty lawful men of Romney-Marsh , by whose consideration the Walls and Watergages of the same Marsh against the force of the Sea and peril of other Waters there overflowing , ought to be repaired , and such as have other Lands and Tenements in the same Marsh , which ought and were wont to repair those Walls and Watergages. And the said Henry going in person to those parts , ordained , that according to the consideration of the said four and twenty Jurors Distresses should be made for reparation of the said Walls and Watergages. So that no Sheriff or other our Bailiff do intermeddle with the same Distresses , as in the Rolls of our Chancery expressing that Ordinance is contained. Nevertheless, you have released those Distresses for this Deed by four and twenty Jurors , to the prejudice of their consideration. And because , if any think himself grieved of the same consideration , for which he will complain , he ought to come to us to seek remedy. We command you , that in

The Kings Writ to the Sheriff of Kent , commanding him not to meddle with the distresses made by the Jurates.

Callis Lest. 155.

nibus prædictis in nullo te intromittas, sed eas viginti quatuor Juratoribus & eorum Ballivo ad hoc deputato, distinctiones illas returnari facias. Ne iteratus clamor ad nos inde perveniat, pro quo ad te graviter capere debeamus. Teste meipso apud *Westmonasterium* vicesimo die *Aprilis*, Anno Regni nostri quadragesimo tertio, per *Henricum de Bathonia*, &c.

Tunc sequitur numerus omnium Acrarum infra dictum Mariscum sicut reperitur per mensuram factam, Anno Regni Regis *Henrici* quadragesimo secundo, & etiam agistatio tamen Magna Wallia de *Apuldre*, quam in parva Wallia, ad quantitatem Terrarum Tenementum infra, &c.

Hamo Pitte, *Johannes Cobbe*, *Henricus le Lang*, & *Johannes Ermynard* attachiati fuerunt, ad respondendum *Godefrido le Fauconer*, quare ipsi simul cum aliis, nuper venerunt ad Manerium ipsius *Godefridi* in *Hurst*, & *Bona* & *Catala* sua ibidem inventa ad valenciam viginti librarum ceperunt & asportaverunt, & alia *Damna* & *Enormia* ei ibidem intulerunt, ad ipsius grave damnum, & contra Pacem, &c. Et unde prædictus *Godefridus* conqueritur, quod die *Jovis* in septimana *Pasche*, Anno, &c. Ipse *Hamo* simul cum aliis ceperunt decem vaccas in Villa de *Hurst*, &c. Unde dicit quod deterioratus est, & damnum habet ad valenciam, &c. Et inde

Hamo Pitte &
al' attach' fuer
ad respnd'
Godfr' Fauco-
ner in placito
transgr' quare
venerunt ad
Manerium su-
um de *Hurst* &
Bona & *Catal-*
la sua ibidem
ceperunt & as-
portaverunt,
&c.

Callis Lest. fo.
171.

no wise you meddle with the same Distresses, but cause them to be returned by the four and twenty Jurors and their Bailiff appointed hereunto, that no further complaint thereof come to us for which we may be displeased with you. Witness my self at Westminster the twentieth day of April, in the three and fortieth year of our Reign, by Henry de Bathonia, &c.

Then followeth the number of all the Acres within the same Marsh, as is found by measure taken in the two and fortieth year of King Henry, and also the agistation as well in the great Wall of Apuldre, as in the little Wall, to the quantity of the Lands holden within, &c.

Hamo Pitte, John Cobbe, Henry le Long, and John Ermynard, were attached to answer unto Godfrey le Fauconer, for that they with others, lately came to the Manor of the said Godfrey in Hurst, and his Goods and Chattels there found to the value of twenty pounds, took and carried away, and oher Damages and Grievances to him there did, to his great loss, and against the Peace, &c. And whereof the said Godfrey complaineth, that on Thursday in Easter-week in the year, &c. the same Hamo with others, took ten Acre in the Town of Hurst, &c. whereby he saith, he is damaged, and hath lost to the value, &c. and

An Action of
Trespas
brought by
Godfrey Fau-
coner against
Hamo Pitte, &
alios for en-
tring into his
Manor of
Hurst and ta-
king away his
Goods and
Chattels.

C ; there-

Placitum de-
fendent. 4.

inde producit sectam, &c. Et prædictus *Hamo* & alii venerunt & defenderunt, &c. & quicquid quod est contra Pacem, &c. quando, &c. & bene cognoscunt quod ipsi caperunt decem vaccas prædictas, &c. ipsius *Godefridi* juste & in Pace Domini Regis, quia dicit quod prædictus *Godefridus* habet Terras, &c. in *Marisco de Romeney* ubi omnes tenentes Terras & Tenementa in eodem *Marisco* secundum quantitatem Terræ suæ debent facere Wallias & Watergagias contra Mare, propter inundationes Aquarum, ac viginti quatuor homines legales de dicto *Marisco* electi per communitatem dicti *Marisci*, & Juratores super Tenentes in eodem *Marisco* facere debent distinctiones, secundum quantitatem tenementorum suorum cum necesse fuerit, ad prædictas Wallias & Watergagias faciendum & reparandum. Qui quidem Jurati in eodem *Marisco*, prout moris est, eo quod omnes ad hoc vacare non potuere, elegerunt prædictum *Hamonem*, ad faciendum prædictas distinctiones, & ipsum fecerunt Ballivum suum ad hoc faciendum, & istam libertatem habent per antiquam consuetudinem ejusdem *Marisci*, & per cartam Domini Regis quam nunc proferunt in hec verba. *Henricus* Dei gratia, &c. Unde dicit, quod ratione defectus ipsius *Godefridi*, juste fecit super ipsum prædictam distinctionem ad prædictas Wallias & Watergagias reparandas,
de

thereupon bringeth lute, &c. And the
 said Hamo, and others came and defend-
 ed, &c. and so far forth as is against
 the Peace, &c. when, &c. and they well
 acknowledge that they took ten fine
 aforesaid, &c. of the said Godfrey justly,
 and in the Peace of our Lord the King,
 because, he saith that the said Godfrey
 hath Lands, &c. in Romney Marsh,
 where all the Tenants having Lands
 and Tenements in the same Marsh,
 ought according to the quantity of their
 Land, to make Walls and Waterga-
 ges against the Sea for the inundati-
 ons of the Waters, and four and twen-
 ty lawful men of the same Marsh be-
 ing chosen by the Communalty of the same
 Marsh, and the Jurates ought to make
 Distresses upon the Tenants in the same
 Marsh, according to the quantity of
 their Tenements, when it shall be need-
 ful, to repair the same Walls and Water-
 gages. Which Jurats in the same Marsh,
 as the manner is, for that they all
 could not be at leisure, have chosen
 the said Hamo to distrain, and have made
 him their Bailiff to do it, and this
 liberty they have by Ancient Custom of
 the same Marsh, and by Charter of
 our Lord the King, which they produce,
 in these words, Henry by the Grace of God,
 &c. Whereby he saith, that by means of
 the default of the said Godfrey, he law-
 fully took the same Distress for repair-
 ing the same Walls and Watergages,

The Disce-
 dants Plea.

Plea's by the
 Custom and
 Charter, and
 Justifies as Bai-
 liff for a Dis-
 tress taken for
 Repairing the
 Walls, &c.

de quibus in Wallia de *Apuldre* ei assignatae sunt ad portionem suam, per praedictos Juratos, tres perticatae & dimidium ad minus ad Custum suum reparandum, & secundum inundationem. Aquarum plus, si necesse fuerit per loca diversa, & quod super ipsum majorem distractionem nisi fecerint ponunt se super Patriam, &c. Dicunt tamen, quod ceperunt super quendam *A. B.* sex Boviculos, qui fuit firmarius ipsius *Godefridi*, & decem Agnos super *I. N.* Tenentes ipsius *Godefridi*, ratione defectuum praedictarum Walliarum & Watergagiarum, propter quod post modum ipsi satisfecerunt & rehabuerunt averia sua. Quasitis pro quanto fecit primam distractionem & pro quanto secundam dicunt quod primus defectus ipsius *Godefridi* estimabatur ad quatuor Marcas, & secundus defectus ad quadraginta octo Solidos. Et praedictus *Godefridus* dicit, quod ipse Tenet Tenementa sua in Marisco praedicto, ex dono & concessione Domini *Henrici* quondam Regis *Angliae*, avi Domini Regis *Henrici* nunc, quae idem Dominus *Henricus* dedit cuidam *Willielmo* filio *Balderi* Antecessori ipsius *Godefridi*, cujus haeres, &c. per quam concessionem antecessores sui, & ipse postea semper tenuit Tenementa sua in praedicto marisco, adeo liberè & quietè sicut praedictus *Balderus* ea prius tenuit. Et bene dicunt quod nec ab Antecessoribus suis, nec ab ipso nunquam

Replicatio

Quar.

of which in the Wall of Apuldre there were assigned to him for his part, by the same Jurates, three Perches and half at the least at his Charges to be repaired, And more, according to the Inundations of Waters, if it shall be needful through divers places, and that they take a greater Distress, unless they will do it, they put themselves upon their Country, &c. Notwithstanding, they say they took of one A.B. Sir Bullocks, who was the Farmer of the said Godfrey, and ten Lambs of I. N. Tenants of the same Godfrey, by reason of the Defects of the same Walls and Watergates, for which they afterwards paid, and had their Beasts again. Being required for what they made the first Distress, and for how much the second, they say, that the first Default of the said Godfrey was esteemed at four Marks, and the second Default at 48 shillings. And the same Godfrey saith, that he holdeth his Tenements in the same Marsh of the Gift and Grant of the Lord Henry, late King of England, Grandfather to our now Lord King Henry, the which the same Lord Henry hath given to one William the Son of Balder, the Predecessor of the said Godfrey, whose Heir, &c. By which Grant, his Predecessors and he afterwards held his Tenements in the same Marsh, always as freely and quietly as the said Balder held them before. And they say, that neither of his Predecessors nor of him any such

The Plaintiffs
Replication
that he claims
his Land by
Charter from
the King and
therefore ought
to be discharged
from Repairs.

nunquam fuit quaesita hujusmodi consuetudo, ad dictas Wallias & Watergagias reparandas, nisi jam quintis Annis elapsis, postquam praedictus *Hamo* factus fuit Ballivus, ad praedictas Wallias & Watergagias custodiendas, nec unquam aliquo tempore ea fecerunt. Et profert cartam ipsius *Henrici* Regis in hec verba. *Henricus* Dei Gratia Rex *Angliae*, &c. Archiepiscopo *Cantuariensis*, &c. Et dicit quod praedictum Feoffamentum tenere Antecessores sui, praedicta Tenementa adeo libere, quod nunquam fecerunt nec reparaverunt. Wallias nec Watergagias nec ipse, postquam Terras illas tenuit, nec antecessores sui districti fuerunt, quousque jam quinque Annis elapsis vel sex, quod praedictus *Hamo* & alii ceperunt averia sua. Et deficut ipsi cognoscunt quod fecerunt super ipsum, praedictam districtionem pro defectu reparationis praedictarum Walliarum & Watergagiarum, quas nec ipse nec Antecessores sui, fecerunt nec unquam facere consueverunt, petit iudicium de eorum recognitione. Et praedictus *Hamo* & alii dicunt, quod aliquo tempore fuit contentio inter Tenentes in praedicto marisco super reparatione praedictarum Walliarum & Watergagiarum, ita quod placitum motum fuit inde in Comitatu coram Vicecomite, propter quod viginti quatuor Jutati sentientes se gravatos venerunt ad Curiam Domini Regis & conquesti fuerunt

Rejungen
Defendentium.

such Custom was ever sought to repair the same Walls and Watergages, unless five years past, after that the said Hamo was made Bailiff, to keep the same Walls and Watergages, neither did they ever at any time do it. And he bringeth the Charter of the said King Henry, in these words: Henry by the Grace of God, King of England, &c. To the Archbishop of Canterbury, &c. And saith, that by the same Feoffment, his Ancestors have held the same Tenements so freely, that they never made nor repaired the Walls nor Watergages, neither was he, after that he held those Lands nor his Predecessors Distreined, until now five or six years past, that the said Hamo and others have took the Beasts and as they know which made upon him the same Distress for Default of Reparation of the same Walls and Watergages, which neither he nor his Predecessors have done, nor ever used to do, desireth Judgment of their Acknowledgment. And the said Hamo and others say, that sometimes there was Contravers betwixt the Tenants in the said Marsh upon the Reparation of the same Walls and Watergages, so that Plea was moved thereby in the County before the Sheriff, for which the four and twenty Jurats finding themselves grieved, came to the Court of our Lord the King, and complained of

Prescribes generally in non reparando. Vid. Callis Lect. fol. 177.

The Defendants Rejoinder.

*Ordinatio Hen-
rici de Bathonia
placitata.*

fuerunt de Vicecomite asserentes, quod huiusmodi placitum non pertinuit ad Vicecomitem tenendum, ita quod per Consilium Domini Regis provisum fuit, quod ibidem mitterentur Justiciarii Domini Regis, ad ordinandum & disponendum quod iustum esset de huius contentationibus. Ita quod *Henricus de Bathonia* ibidem missus fuit, & omnes Tenentes dicti Marisci habuerunt Summonitionem quadraginta dierum sicut fuisset in itinere Justiciariis. Et ipse Prædictus *Henricus*, visis prædictis Walliis & Watergagiis, per assensum & voluntatem totius communis prædicti Marisci ordinant, quod Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones, & omnes Tenentes in eodem Marisco contribuèrent, secundum quantitatem Tenementi sui, ad prædictas Wallias & Watergagias reficiendas, unde sicut prædictus *Godfridus* vult defendi per prædictas Wallias & Watergagias, petit quod contribuat ad easdem reparandas sicut coram prædicto Justiciario fuit ordinatum. Et quod talis sit ordinatio, sicut prædictum, ponit se super Recordum Rotulorum prædicti *Henrici de Bathonia*. Dicit etiam quod necesse est quod ipse contribuat ad prædictas Wallias, &c. quia dicit quod nisi Terra sua per prædictas Wallias esset defensa, tota Terra sua esset superundata & fallata. Et prædictus *Godfridus* dicit quod licet prædicta ordina-

of the said Sheriff, alledging that the same Plea appertained not to the Sheriff to be holden, so that by Counsel of our Lord the King it was provided that there might be sent the Justices of our Lord the King, to ordain and dispose that which should be meet to appeale those Strifes. So that Henry de Bathonia was sent thither, and all the Tenants of the said Marsh had Summons of forty days, as he was in the Journey with the Justices. And the said Henry, having seen the Walls and Waterbanks aforesaid by assent and will of the whole communalty of the said Marsh, hath ordained that the Archbishops, Bishops, Abbots, Priors, Earls, Barons, and all Tenants in the same Marsh, shall contribute, according to the quantity of their Tenure, to make again the same Walls and Watergates, whereby as the said Godfrey will be defended by the Walls and Watergates, he requireth that he contribute to repair them, as before the said Justice it was ordained. And that the ordinance is such as aforesaid, he referreth himself to the Record of the Rolls of the said Henry de Bathonia. Also he saith, that it is needful that he contribute to repair the same Walls, &c. for that he saith, that except his Land should be defended by the said Walls, all his Land would be overflowed and washed. And the said Godfrey saith, that although the same

Henry de Bathonia, his Ordinance pleaded.

Q?

*Surrejungen
quer.*

*Quod ille nun-
quam eidem
Ordinationi
Consentit nec
Summonitus fu-
it.*

*Def' respond'
quod ipse quer'
habuit Commu-
nem Summoni-
tionem sicut re-
liqui Marisci
habuerunt.*

Ordinatio facta fuisset per prædictum *Henricum* ipse *Godefridus* nunquam eidem Ordinationi consensit, nec summonitus fuit, nec vocatus venire coram ipso ad ipsam Ordinationem faciendam; dicit etiam quod nec ante ipsam Ordinationem nec post, ipse nec Antecessores ejus, nuper fecerunt hujusmodi contributionem, sed semper tenuerunt Terram suam quietam ab omnimoda exactione, secundum Tenorem prædictæ Cartæ *Henrici Regis* avi Regis nunc, quousque jam duobus Annis elapsis, prædicti *Hamo* & alii ceperunt averia sua, unde petit judicium si prædictus debeat ei nocere in hac parte. Et prædicti *Hamo* & alii dicunt quod ipse habuit Communem Summonitionem quadraginta dierum, sicut tota Communitas prædicti *Marisci*, quam ipse ignorare non debuit, unde dicit quod licet ibidem noller venire, sicut debet cum vicinis suis, non debet esse quietus propter hoc à prædicta Contributione, ad prædictas Wallias reparandas, deficit communis utilitas est omnium Tenentium in dicto *Marisco*, quod tam Terra ipsius quam Terra aliorum Tenentium defendatur per prædictas Wallias & *Wartegagias*, unde petit Judicium, dicit etiam quod post prædictam Ordinationem dederunt prædictus *Godefridus* & homines sui unam Marcam ad Wallias & *Wartegagias* prædictas reparandas, antequam idem *Hamo* esset Ballivus, & quod ita sit paratus

Ordinance had been made by the said Henry, the said Godfrey never consented thereto, neither was Summoned nor called to come before him to make the same Ordinance: He also saith, that neither before the Ordinance nor after, he nor his Predecessors did lately make such Contribution, but always held their Land quietly from all manner of exaction according to the Tenor of the said Charter of King Henry, Grandfather to the now King, until two years past, the said Hamo and others took his Beasts, whereof he prayeth Judgment whether the same do hurt him in this behalf. And the said Hamo and others say that he had a Common Summons of forty days, as all the Communalty of the same Marsh had, which he ought not to be ignorant of; whereby he saith, That although he would not come thither as he ought with his Neighbours, he ought not to be therefore freed from the same Contribution to repair the Walls, insomuch that it is the common benefit of all the Tenants in the said Marsh, that as well his Land as the Land of the other Tenants may be defended by the same Walls and Watergates, whereof he desireth Judgment. He also saith, That, after the same Ordinance, the said Godfrey and those men have given a Mark to repair the Walls and Watergates aforesaid before the said Hamo was Bailiff, and that he

The Plaintiffs Surrejoinder.

That he never consented to the Ordinance of *Hen. de Bathonia*, and that neither before nor since the said Ordinance he nor his Ancestors never made such Contribution.

Defendant replies that he had a Common Summons as the other had.

Exit.

Ven. fac. agard.

paratus est verificare ; &c. Et *Godefridus* dicit quod tenet se ad prædictam Cartam Domini Regis & ad libertatem suam quam ipse & antecessores sui usi sunt , contra quas nulla ordinatio per prædictum Henricum facta , potest nec debet ei nocere , & bene defendit , quod nec ipse nec aliquis per ipsum , aliquid unquam ante prædictam Ordinationem , nec post ad dictam reparationem dedit. Et hoc paratus est verificare , &c. Postea in crastino sancti Martini, anno quadragesimo secundo, venerunt prædicti *G. H.* & alii , &c. Et præceptum est Vicecomiti quod venire faciat , a die Pasche in Tres Septimanas ubicunque , duodecim tam milites quam , &c. per quos , &c. Et qui nec , &c. nec habent terras in prædicto Marisco ad receptum , &c. si prædictus *Godefridus* & antecessores sui, postquam habuerunt terram suam de *Hurst* , de dono & concessione Domini Henrici Regis Angliæ , simul cum aliis hominibus habentibus Terram in dicto Marisco consueverunt reparare Wallias & Watergagias & contribuere cum prædictis hominibus ad eas reparandum , cum necesse fuerit , unde ipse *Godefridus* per quamdam ordinationem , in quam ipse concessit coram *Henrico de Batbonia* , quem dominus Rex ad hoc misit faciendum , dedit unam marcam ad dictas Wallias & Watergagias reparandas , antequam prædictus *Hamo* fuisset Ballivus prædicti Marisci,

he is ready to verifie the same, &c. And Godfrey saith that he holdeth himself to the same Charter of our Lord the King, and to his Liberty which he and his Predecessors used, against which none Ordinance being made by the said Henry, can nor ought to hurt him, and he well defendeth, that neither he nor any by him, hath given any thing at any time, before the said Ordinance nor after to the same Reparation. And this he is ready to verifie, &c. Afterwards in the month after Saint Martin in the two and fortieth year, there came the said G.H. and others, &c. And it was commanded to the Sheriff, that he cause to come, in three weeks after Easter wheresoever, twelve able knights, as, &c. by which, &c. And which neither, &c. nor have Lands in the said Marsh, &c. if the said Godfrey and his Predecessors after that they had his Land of Hurst, of the Gift and Graunt of our Lord Henry, King of England, &c. together with other men, having Land in the said Marsh, were wont to repair the Walls and Watergates, and to contribute with the same men to repair them when it hath been needful, whereof the said Godfrey by a certain Ordinance in which he granted before Henry de Bathonia, whom the Lord the King had sent in that behalf, gave a Mark to repair the said Walls and Watergates before the said Hamo was Bailiff of the said

Issue joyned.

Ven. fac. awarded.

D

Marsh

Marisci , sicut prædictus *H. & I.* dicunt ,
vel si prædictus *Godefridus* vel antecessores
sui quieti fuerunt , de hujusmodi
reparationibus , Williarum & Waterga-
giarum , & præstationibus ad eandem
per Cartam prædicti *Henrici Regis* avi ,
&c. ita quod prædictus *Godefridus* non
consensit prædictæ ordinationi , nec ali-
quid unquam dedit ad prædictas Wal-
lias & Watergagias reparandas sicut præ-
dictus *Godefridus* dicit. Quia tam , &c.
postea a die Paschæ in tres septimanas
Anno quadragesimo secundo , Vicecom-
mes non misit breve suum , Ideo ipse
in misericordia , &c. scilicet *Fulco Peyforer* ,
Ideo sicut prius , præceptum est Vicecomiti
quod venire faciat , hic a die sanctæ Tri-
nitatis , in quindecim dies ubicunque ,
&c. duodecim , &c. per quos , &c. Et qui
nec , &c. Postea ad diem illum venerunt præ-
dictus *Godfridus H.* & alii & petierunt
sibi iudicium fieri secundum recordum
& processum loquelæ prædictæ , & re-
citata fuit loquela coram Domino Rege
& consilio suo. Et quia compertum est
secundum recordum illud , quod Domi-
nus Rex alias misit *Henricum de Bathonia*
Justiciarium suum ad hoc assignatum ,
ad prædictum Mariscum de *Romenal*
qui disposuit quod omnes illi qui Terras
& tenementa in prædicto Marisco habe-
rent contributionem facerent , secundum
quantitatem tenementorum , ad Wallias &
Watergagias prædicti Marisci reparandum
sicut

Marsh, as the said H. and I. do affirm, or if the said Godfrey or his Predecessors were freed from those Reparations of the Walls and Watergages and things incident thereto, by Charter of the said King Henry, Grandfather, &c. So that the said Godfrey hath not agreed to the same Ordinance, nor ever gave any thing to repair the same Walls and Watergages, as the said Godfrey alledgeth, because aswell, &c. Afterwards from three weeks after Easter, in the two and fortieth year the Sheriff hath not sent his Writ, therefore he in pity, &c. that is to to say, Fulk Payforor, therefore as before it is given in charge to the Sheriff, that he cause to come here fifteen days after the day of S. Trinity wheresoever, &c. twelve, &c. by which &c. and which neither, &c. Afterwards at that day there came the said Godfrey, H. and others, and desired Judgment to be done according to the Record and Process of the same Plea, and the Plea was recited before the Lord the King and his Counsel, and because it is found according to that Record, that the Lord the King had otherwise sent Henry de Bathonia his Justice thereunto assigned to the same Romney-Marsh, who disposed that all those which had Lands and Tenements in the same Marsh, should according to the quantity of their Tenements, Contribute to repair the Walls and Watergages of the said Marsh,

sicut prædicti *Hamo* & alii dicunt, ad quam contributionem prædictus *Godefridus* non obligatur, sicut prædictus *Godefridus* dicit, nec adhuc constat Curiae Regis hic de prædictis ordinatione & dispositione, sine quibus rite ad Judicium procedi non potest. Data est eis dies a die Sancti *Michaelis* in quindecim dies, ubicunque, &c. Et interim scrutantur rotuli de tempore prædicti *Henrici de Bathonia*. Et sciendum est quod inhibitorium est dicto *Hamoni* ne pendente eodem placito distringat prædictum *Godefridum*. Postea a die Sancti *Michaelis* in quindecim dies, anno, &c. Quadragesimo tertio, venit prædictus *Godefridus* & subtraxit se de Brevi suo versus præfatos *Hamonem* & alios, &c. & ideo ipse in misericordia, &c. Et insuper concessit pro se & hæredibus suis, quod de cætero reparari facient vel faciet Wallias & Watergagias pro portione quantitatis Terræ suæ, una cum vicinis suis, prout consuetudo patriæ est, sine contradictione seu cavillatione imperpetuum. Et prædictus *Hamo* concessit & obligavit pro se & aliis, quod computabit coram viginti quatuor Juratoribus electis de patria super distractionibus & averiis captis, prædicti *Godefridi*, pro prædictis Walliis & Watergagiis reparandis, ab initio istius placiti, usque nunc, &c. Et distractiones illæ, secundum quantitatem portionis sibi contingentis, interim pro prædictis Walliis &

*Quer' subtraxit
se de Brevi suo,
Et ideo ipse in
Misericordia.*

Callis Let'
150.

as the said Hamo and others alledge, to which Contribution the said Godfrey is not bound, as the said Godfrey saith, neither as yet is it manifest in the Court of the King here, of the same Ordinance and Disposition, without the which they cannot rightly proceed unto Judgment. Day is given them in 15. days after the day of S. Michael where-soever, &c. And in the mean space the Rolls of the time of the said Henry de Bathonia are sought, and it must be known that it is forbidden that the said Hamo distrain the said Godfrey whilst the Plea dependeth. Afterwards in 15. days, after the day of S. Michael in the 43. year, &c. the said Godfrey came, and withdrew himself of his Writ against the said Hamo and others, &c. And therefore he in pity, &c. And further he granted for himself and his Heirs, that from henceforth they should cause to be repaired the Walls and Watergates for his part of the quantity of his Lands together with his Neighbors, as the custom of his Country is without contradiction or cavillation for ever. And the said Hamo hath granted and bound for himself and others, that he will accompt before the 24. Jurats of the Country, chosen upon the Distresses, and Beasts taken of the said Godfrey for repairing the said Walls and Watergates from the beginning of this Plea till now, &c. And those Distresses according to the quantity of the part hapning to him, shall in the mean space satisfy for reparation of the Walls

The Plaintiff
withdrew his
Writ, and is in
Miser cordia.

& Watergagiis reparandis sicut prædictum est, per prædictas distinctiones quod idem *Hamo* & alii satisfaciant in omnibus quod conjunctum fuerit per prædictum computum inter eos de superplusagio recepto de averiis venditis prædicti *Godefridi* occasione prædicta. Et idem *Godefridus* concessit, quod si prædictus *Hamo* non computando possit verificare, quod averia nomine distinctionis per ipsum capta occasione præmissa, valorem eorundem non sufficere pro portione quantitatis Terræ suæ, ad prædictas *Willias* & *Watergagias* reparandas, quod idem *Godefridus* satisfaciet ei in omnibus areragiis, ab initio ejusdem placiti, usque nunc per visum & estimationem prædictorum viginti quatuor Juratorum de patria, &c.

Ordinatio Johannis de Lovetot & Henrici de Apulderfeld Justiciarii de omnibus Mariscis in Romney & Oxney 16 E. 1. Commissio Regis E. 1. Jo. Lovetot & Henrici de Apulderfeld ad super videndum Wallias per Costeram Maris.

Ordinatio Dominorum *Johannis de Lovetot*, & *Henrici de Apulderfeld* Justiciarium Domini Regis de omnibus *Mariscis de Romney* & *Oxney* usque ad *Com. Suffex*.

Coram *I. de Lovetot*, & *H. de Apulderfeld* apud *Romene* quinto die *Decembris*. Anno regni Regis *Edwardi filii Regis H. 16*.

Dominus Rex mandavit dilectis & fidelibus suis, *Johannis de Lovetot*, & *Henrico de Apulderfeld*, breve suum, in hæc verba, *Edwardus Dei gratia Rex Angliæ*, Dominus *Hiberniæ*, & *Dux Aquitaniæ*, dilectis & fidelibus suis, *Johanni de Lovetot*, & *Henrico de Apulderfeld* salutem. Sciatis quod cum nos ratione

and Watergages aforesaid as is aforesaid declared by the Distresses that the said Hamo and others shall pay in all things which shall be enjoined by the said account between them of the Surplusage received of the Beasts sold by the said Godfrey by the same occasion. And the said Godfrey hath granted, that if the said Hamo verity by account that the Beasts taken by him in the name of Distress by occasion aforesaid, in value cannot satisfy for the part of the quantity of his Land for the repairing of the said Walls and Watergages, that he the said Godfrey will satisfy him in all Arreages from the beginning of the same Plea till now by the View and Estimation of the same four and twenty Jurors of the Country, &c.

The Ordinance of the Lord John de Lovetot, and Henry de Appledorefeild, Justices of the Lord the King of all the Marshes of Romney and Oxney to the County of Sussex.

16 E. 1.
The Ordinance concerning the Marshes of Romney and Oxney.

Before J. de Lovetot, and Hof Appledorefeild at Romney the fifth day of December in the sixteenth year of King Edward, Son of King Henry.

Our Lord the King hath sent to his welbeloved and faithful John de Lovetot, and Henry de Appledorefeild his Writ in these words, Edward by the Grace of God, King of England, Lord of Ireland, and Duke of Aquitaine, to our welbeloved John de Lovetot, and Henry de Appledorefeild greeting. Know ye that whereas wee

The Commission of E. 1. to Jo. Lovetot and Hen. Appledorefeild to view the Walls of the Sea Coast.

ratione dignitatis regiae, & per Juramentum abstricti sumus, ad providendum satisfactioni regni nostri, circumquaque assignavimus, vos ad supervidendum Wallias & fossatas per costeram maris & partium adjacentium in comitatu *Kanciae*, per maris intemperiem diversimode diruta, ad inquirendum per quorum defecta hujus damnum contigit ibidem, & de omnibus illis qui Terras & Tenementa tenent in partibus illis, & defensionem & salvationem habent qualitercunque, vel habere possunt per hujus Wallias & fossatas, & ad eos pro quantitate terrae & tenementorum suorum, sive per numerum Acrarum terrae, sive per carucatas pro rata portione tenurae suae distringendi una cum Ballivis libertatum & aliorum de partibus illis ad ea in locis necessariis reparandum, quotiens & ubi necesse fuerit, ita quod aliqui tenentes Terras seu Tenementa hujus vel alterius fuerit conditionis, status seu dignitatis, qui qualitercunque defensionem habeant per hujus Wallias & fossatas, sive fuerit infra libertatem, sive extra nullatenus parcatur in hac parte. Et ideo vobis Mandamus quod in executionem istius negotii, ita fideliter & discrete vos habeatis, quod tam homines manentes in locis praedictis, quam Terrae eorundem salventur contra similia pericula, & casualiter pejora nulla consimiliter favorabiliter introducte resistente. Et vos super hiis
quae

are bound by reason of our Princely Dignity, and by Oath to provide for the safety of our Kingdom. We have assigned on every side you to oversee the Walls and Ditches by the Sea Coast, and the parts thereto adjoining in the County of Kent, diversly rup- nated by the Rage of the Sea to enquire by whose default such hurt hath hapned there, and of all those which hold Lands and Tenements in those parts, and by any means have Defence and Safety, or may have Defence or Safety by those Walls and Ditches, and them for the quantity of their Lands and Tenements, or by the number of Acres of Land, or by Carucates for the rated portion of their tenure to distrain together with the Bailiff of the Liberties and others of these parts to repair them in necessary places as often and where as need shall be, so that none having Lands or Tene- ments of this or other, of what Condition, state, or dignity that they be, which have any Defence by these Walls and Ditches, whether it be within the liberty or with- out, shall be spared in this behalf. And therefore we command you, that for the execution of this business, ye behave your selves so faithfully and discreetly, that as well men resident in the same places as their Lands, may be saved against like Perils, and casuallly no worse in like manner happen, and you upon that which
you

quæ in hac parte feceritis & ordinaveritis , sub vestris sigillis & sigillis Juratorum tam militum , quam aliorum proborum & legalium hominum , distincte & aperte reddetis certiores. Mandavimus enim Vicecomiti nostro comitatus prædicti , quod ad certos dies & loca quos eis scire faceret , coram vobis venire faceret tot & tales probos & legales homines de Balliva sua , per quos rei veritas melius sciri poterit & inquiri in præmissis, &c. In cujus rei testimonium, &c. Teste Edmundo Comite Cornubiæ Constabulario nostro , apud Westmonasterium quinto decimo die *Novembris* , anno regni nostro sextodecimo.

*Mandatum
vicecomiti.*

*Juratores placitavit
Cartam
H. 8. eisdem concessam.*

Per quod quidem mandatum , præceptum fuit Vicecomiti quod venire faceret coram præfatis Justiciariis hic ad hunc diem , viginti quatuor Juratores de *Marisco de Romenal* , & omnes Dominos Walliarum ejusdem Marisci, & tot & tales probos & legales homines de singulis terris Maritimis in Balliva sua , per quos rei veritas in præmissis , melius sciri poterit & inquiri , ad faciendum ulterius id quod in præmissis fuerit ordinandum , qui modo venerunt. Et prædicti viginti quatuor Juratores de Marisco prædicto una cum communitate ejusdem Marisci dixerunt , quod Dominus Henricus Rex pater Regis nunc per Cartam suam concessit eis quasdam libertates in terris suis de Marisco prædicto & petierunt

you shall do and ordain in this behalf under your Seals, and the Seals of the Jurors, as well Knights, as other honest and lawful men, you distinctly and publickly certifie us. For we have commanded our Sheriff of the same County, that at certain days and places which he shall limit them, he shall cause to come so many and such honest and lawful men of his Bapliwick, by whom the truth of the matter may be known and enquired in the premises, in witness whereof, &c. Witness Edmund Earl of Cornwall our Constable at Westminster the fifteenth day of November, in the sixteenth year of our Reigne

By which Mandate it was commanded to the Sheriff, that he should come before the said Justices here at this day, four and twenty Jurors of Romney-Marsh, and all the Lords of the Towns of the same Marsh, and such and so many honest and lawful men of the several Lands near to the Sea Coast in his Bapliwick, by which the truth of the matter in the premises may the better be known and inquired of, and further to do that which in the premises shall be ordained, who now came. And the said four and twenty Jurors of the same Marsh, together with the communalty of the said Marsh alledged, that the Lord, King Henry, father of the now King, by his Charter hath granted unto them certain liberties in his Lands of the same Marsh, and

A Mandate to the Sheriff to return a Panel.

The Jurors and Communalty plead the Charter of H. 8. and the privileges thereby to them granted.

re-
ed.

*Placitant etiam
Ordinationem
Henrici de
Bathonia præd.*

tierunt quod libertates suæ prædictæ sibi salventur , & quod nihil attemptetur vel ordinetur in præjudicium libertatum suarum prædictarum. Et profert Cartam Domini *Henrici* prædicti in hæc verba. *Henricus* Dei Gratia , &c. Dixerunt etiam quod Dominus Rex pater Domini Regis nunc Anno regni sui quinquagesimo secundo ratione cujusdam dissentionis subortæ inter diversos homines Marisci supradicti occasione Williarum & Watergagiorum ibidem reparandorum misit *Henricum de Bathonia* Justiciarium suum ad partes illas , ad audiendum & terminandum contentiones ortas de reparatione prædicta inter viginti quatuor Juratores & homines prædicti Marisci & ad providendum securitati & defensionis ejusdem Marisci , contra Maris & aliarum aquarum inundationem & periculum per reparationem prædictarum Walliarum & Watergagiarum faciendam per eos qui per reparationem illam secundum quantitatem Terrarum & Tenementorum suorum quæ habent in eodem Marisco tenentur. Unde dicunt quod præfatus *Henricus de Bathonia* Auctoritate mandati Domini *HENRICI* Regis prædicti ordinavit & statuit eis ibidem certam Legem & Ordinationem per quas Mariscus illè hucusque custoditur & salvatur , unde petierunt quod per ordinationem & Legem illam possint posterum deduci & defendi sicut hactenus consue-

required that their liberties aforesaid may be reserved unto them, and that nothing be attempted or ordained to the prejudice of the same liberties, and produce a Charter of the Lord Henry our King aforesaid in these words, Henry by the Grace of God, &c. They also alledged, that the Lord the King, Father of our now Lord the King, in the two and fiftieth year of his Reigne, by reason of certain discord arisen amongst divers men of the same Marsh, by means of repairing the same Walls and Watergates, did send Henry de Bathonia his Justicer to those parts, to hear and determine the strifes grown of the same Reparation, between four and twenty Jurors, and the men of the said Marsh, and to provide for the safety and defence of the said Marsh, against the overflowing and danger of the Sea and other Waters, by repairing the said Walls and Watergates by them, which for Reparation thereof, are bound according to the quantity of their Lands and Tenements which they have in the same Marsh. Whereby they affirm that the said Henry de Bathonia, by Authority of the same Mandate of our Lord King Henry aforesaid, hath Ordained and Established for them there a certain Law and Ordinance, by which that Marsh is hitherto kept and conserved, and therefore require that by that Ordinance and Law that may hereafter be tried and defended, as heretofore they have been ac-

The Ordinance
of Henry de
Bathonia
pleaded.

consueverunt. Et super hoc protulerunt prædictam ordinationem ipsius *Henrici de Bathonia* sub Sigillo Domini Regis in hæc verba Coram *Henrico de Bathonia*, &c. ut supra, &c.

*Confirmatio
Ordinationis
Henrici de Ba-
thonia.*

*Ad quam mo-
dus Eligendi
Communis Bal-
livi additur.*

*Quomodo du-
plum levetur &
approprietur.*

Et quia ordinatio prædicti *Henrici* statim videtur concordans equitati & hucusq; fuit approbata, præceptum est & statutum quod ordinatio illa in omnibus observetur absque diminutione: additio tamen quod quia in ordinatione prædicta nihil fuit expressum de electione communis Ballivi Domini Regis in Marisco prædicto, quomodo est per quos electio illa fieri debeat, concordatum est, quod de cætero cedente vel decedente communi Ballivo prædicti Marisci locus ipsius alius eligatur, qui resideat et terras habeat in prædicto Marisco. Et fiat electio illa de cætero per communem assensum duarum villarum ejusdem Marisci, vel per Attornatos suos, & ubi major pars numero concenserit, stabitur eorum electioni, quia sic hætenus ibi fieri consuevit. De duplo est sumptuum appositorum de reparatione defectuum prædicti Marisci levand. in pœnam negligentiam defectus ipsos contingentes reparare concordatum est, quod duplum illud levetur sicut priori ordinatione fuerat statutum, & quod duplum illud in communem utilitatem reparationis dicti Marisci revertatur & ad usus Ballivi ejusdem Marisci de cætero

accustomed. And to that end they brought the same Ordinance of the said Henry de Bathonia, under the Seal of our Lord the King, in these words: Before Henry de Bathonia, &c. as afoze, &c.

And because the Ordinance of the said Henry plainly sameth agreeable to equity, and hitherto hath been allowed. It is commanded and appointed that the same Ordinance be in all points observed without impeachment, adding nevertheless, that because in the same Ordinance nothing was expressed of the choice of a common Bailiff of our Lord the King in the same Marsh, by what means and by whom that choise ought to be made, It is agreed, that from henceforth the said common Bailiff of the said Marsh departing or decreasing, another which is resident, and hath Lands in the same Marsh, may have his place. And that the same choise from henceforth be made, by common assent of two Towns of the same Marsh, or by their Attorneys, and where the greater number agree, it shall stand at their choice, because it hath been so accustomed to be done. And for leuying of the double, and of the Costs bestowed for Reparation of the Defaults of the same Marsh, for the punishment of such as neglect to repair those Defaults, it is agreed, that the same double be leuyed, as in the former Ordinance was appointed, and that the double be reverted, for the common benefit

A Confirmati-
on of the Or-
dinance of
Henry de Ba-
thonia.

To which is ad-
ded the man-
ner of Electing
a Common Bai-
liff.

How the dou-
ble shall be le-
vyed on the
Defaulters.

tero non observetur. Et quia in prædicto Marisco diversæ Walliæ & Watergagiæ quarum reparationem & sustentationem communitas ejusdem Marisci non contribuit, nisi tantum illi qui dictis Walliis & Watergagiis Terras habent contiguas & proximas, & quidam per oppressiones Dominorum dicti Marisci quandoque tantum solverint, ad reparationem & sustentationem earundem pro quadraginta Acris quantum, alii pro quinquaginta Acris quod magis fuerat, contra Legem Marisci & Ordinationem prædicti *Henrici de Bathonia*; concordatum est, & ordinatum, quod nulla consuetudine a quocunque prius introducta resistente omnes & singuli Terræ & Tenementa ibidem habentes quæ periculo Maris subjacent ibidem & salvationem habent pro eadem de cætero distringantur ad Wallias & Watergagias illas reparandas & sustinendas. Ita quod singuli contribuant equaliter juxta numerum Acrarum quas habent ibidem, ita quod nulli parcatur, cujuscunque fuerit status & conditionis, qui per easdem salvationem habent & defensionem. Et quia in eodem Marisco de *Romenal* ultra cursum aquæ portus illius tendentem de *Suergate* versus *Romenbale* ex Occidentali parte illius portus usque comitatum *Sussex*, nulla fuit prius certa Lex Marisci statuta nec usitata, nisi ad voluntatem Terras habentium in eodem, per quod diversa pericula & damna

Quod singuli terras & tenementa habentes quæ periculo maris subjacent aut salvationem habent pro eadem de cætero Distringantur.

benefit of repairing the said Marsh, and not be observed for the use of the same Bailiff hereafter. And because in the same Marsh divers Walls and Watergates, to whole repairing and maintaining, the communalty of the same Marsh doth not contribute, but only they which have Lands adjacent and nearest to the said Walls and Watergates, and some by oppression of the Lords of the said Marsh, do pay but sometimes for the repairing and upholding of the same for 40. Acres, how much others for 50. Acres, that which shall be more against the Law of the Marsh, and Ordinance of the said Henry de Bathonia, it is agreed and ordained that notwithstanding any custom used before of any, all and singular having Lands and Tenements, which are subject to the danger of the Sea, and have there also safety for the same, may henceforth be distrained to repair and support the Walls and Watergates. So that all do contribute equally according to the number of Acres which they have there, so as none be spared, of what state and condition soever they be, which thereby have safety and defence. And because in that Marsh of Romney beyond the Waterstream of that Dock, stretching from Suergate towards Romenhall on the west part of that Creek unto the County of Sussex, there was no certain Law of the Marsh appointed nor used, but of such as have Lands at will therein, whereby divers perils and

The double
Costs to be for
the benefit of
repairing the
Marsh.

as much

as

is much

All that have
Lands or Te-
nements sub-
ject to the
Danger of the
Sea, and have
thereby safety,
shall be di-
strained to re-
pair.

E

into

*Ordinatum est
quod in Marisco
ultra portum
usque Suffex
Juratores statu-
antur Electi
pro securitate
partium illarum
pro ut contine-
tur in Ordina-
tione prædicti
Henrici de Ba-
thonia.
Callis Lect. 39.*

damna intolerabilia per Maris inunda-
tionem contingerant ut de cætero talibus
periculis obvietur, & communi utilitate
prospiciatur concordatum est & con-
junctim ordinatum, quod in Marisco
ultra portum prædictum versus *Suffex*
statuantur Juratores per communitatem
electi qui pro securitate partium illa-
rum ad hoc jurati, habito respectu ad
numerum acrarum quæ dicto periculo
subjacent, & ad quantitatem Wallia-
rum & Watergagiorum ibidem repa-
randorum & sustinendorum per eorum
Sacramentum considerabunt & ordina-
bunt quantum necesse sit ad reparatio-
nem & sustentationem illarum, Ita quod
unusquisque pro portione acrarum dicto
periculo subjacentium eque contribuat, ad
sustentationem earundem. Ita quod juxta
portionem acrarum suarum & valorem ea-
rundem singulis assignetur in Walliis &
Watergagiis prædictis portio sua perti-
carum sustinenda prout continetur pleni-
us in ordinatione prædicti *Henrici de
Bathonia*. Et insuper quia hætenus in
partibus illis ultra portum prædictum
versus *Suffex* nullus fuerat communis
Ballivus constitutus, qui de periculis i-
bidem contingentibus provideret & ca-
veret pro communi utilitate partium il-
larum, & ne de cætero consimilia pericula
ibidem inveniantur, Ordinatum est, quod de
cætero eligatur unus Ballivus in Mariscis præ-
dictis ultra prædictum cursum aquæ versus
Suffex,

*Quod de cætero
eligatur Balli-
vus in Mariscis
ultra cursum
et quæ versus
Suffex.*

intolerable losses had happened by inundation of the Sea, that from henceforth such dangers may be prevented, and for common benefit seen into, It is agreed and jointly ordained, that in the Marsh beyond the same Creek towards Sussex, there be appointed to be chosen by the communalty, Jurors, which for security of those parts in this behalf shall be sworn, and having respect to the number of acres, which are subject to the same peril, and to the quantity of Walls and Watergates there to be repaired and maintained, by their Oath shall consider and ordain as much as shall be needful to repair and uphold them. So that every one for the portion of Acres subject to the same danger, do equally contribute to sustain them. So that according to the portion of their Acres and their value; there be assigned to every one in the same Walls and Watergates, his Portion of Perches to be upholden, as is contained more plainly in the ordinance of the said Henry de Bathonia. And moreover, for that hitherto in those parts beyond the same Dock towards Sussex, there was no common Bayliff appointed, which should provide and take heed of the dangers there hapning, for the common good of those parts, and that hereafter no like perils there happen, It is ordained, that henceforth there be chosen a Bayliff in the same Marshes, beyond the said Watercourse

It is ordained that in the Marshes beyond the Creek toward Sussex, there be appointed to be chosen by the Commonalty, Jurors, for the security of those parts, as it is in the Ordinance of Henry de Bathonia.

A Bayliff to be also chosen for the Marshes beyond the Watercourse towards Sussex.

Offitium Ballivi. *Suffex*, ad supervidendum & custodiendum, ac reparatum faciendum Wallias & Watergagias per loca & terminos totius Marisci prædicti, ubi plus viderit toti communitati expedire. Et Juratores Marisci prædicti cum necesse fuerit ad loca necessaria convenire faciat, ad ordinationes & considerationes suas pro salvatione terrarum partium illarum faciendas, & distinctiones ob hoc faciendas fieri & duplum a negligentibus, cum necesse fuerit, levare faciat secundum formam in prædicta ordinatione *Henrici de Batbonia* contenta ad electionem vero prædicti Ballivi cum contigerit facienda semper præmuniantur & vocentur Domini villarum ejusdem Marisci ultra prædictum cursum aquæ versus *Suffex* si interesse voluerint, & Juratores & tota communitas prædicti Marisci. Ordinatum est etiam quod de cætero prædictus communis Ballivus Regis in Marisco de Romane sit supervisor prædictorum Ballivi & Juratorum in Marisco ultra cursum aquæ versus *Suffex*, & omnes Juratores ex utraque parte prædicti cursus aquæ electos, cum necesse fuerit, ad loca necessaria convenire faciat ad ordinationes & considerationes suas faciendas pro salvatione terrarum prædictorum Mariscorum. Ita quod semper ex utraque parte prædicti cursus aquæ stetur ordinationi & considerationi prædictorum Juratorum, ad minus terram perdendum & plus salvandum nulla consuetudine resistente, salvo semper tenore cartæ Domini Regis communi-

Ballivus Regis in Marisco de Romane sit supervisor Ballivorum & Juratorum in Marisco ultra cursum aquæ versus Suffex.

Omnes ad ordinationem & considerationem Jurat' stare.

towards Suffex, to oversea and keep and to repair the Walls and Watergates by the places and terms of all the said Marsh where he shall see it most convenient for the whole communalty. And cause the Jurozs of the said Marsh to meet together at places requisite, when it shall be needful to make ordinaunces and considerations for safety of the Lands of those parts, and to distrain therefoze, and double to be taken of the negligent, when need shall be, and to levy according to the form in the same ordinance of Henry de Bathonia contained, at the choice of the said Bailiff, when it shall happen to be done, and that the Lords of the Towns of the same Marsh be always aiding and called beyond the same Watercourse towards Suffex, if they will be there, and the Jurozs and the whole communalty of the said Marsh. It is also ordained, that from henceforth the said common Bailiff of the King in Romney-Marsh be overseer of the same Bailiff and Jurozs in the Marsh, beyond the Watercourse, towards Suffex, and all the Jurozs on either side of the said Watercourse, chosen, when it shall be needful, do cause to assemble to execute their ordinaunces and considerations for safety of the Lands of the same Marshes, so that always on either side of the same Watercourse they stand to the ordinance and consideration of the said Jurozs, for the less damage and better safety of the Land, any custom notwithstanding, saving always the Tenoz of the Charter of our

The Office and duty of the Bailiff.

The Kings Bailiff of Romney-Marsh to be overseer of the Bailiff and Jurors beyond the Watercourse towards Suffex.

The Jurors to determine all Controversies

communitati dicti Marisci concessisse & ordinatione prædicti *Henrici de Bathonia* in suo robore perpetuo duratura.

Willielmus de Walleyns & socii sui ap- punctuati super- visores Walliarum, &c. in Com. Kane. An. 2 E. 2.

Coram *Willhelmo de Walleyns* & Sociis suis ad supervidendum Wallias & Watergagias in Comitatu *Kanciae* assignatis die Lunæ proxime post festum sanctæ *Mildredæ* Virginis apud *Newchêrch*, Anno Regni Regis *Edwardi* filii Regis *Edwardi* secundo.

Ordinatum est quod Communis Ballivus Domini Regis in Marisco de Romane super- videat & sum- meneat Balli- vos & Jurat. Marisci de Lyde & Oxene.

Ordinatum est, de communi assensu Domi- norum Mariscorum de *Lyde & Oxene*, & ex parte Domini Regis præceptum, quod de cætero communis Ballivus Domini Regis in Marisco de *Romane* supervideat prædictos Ballivos & Juratores in prædictis Mariscis de *Lyde & Oxene*, & eos ac etiam viginti quatuor Juratores in Marisco de *Romane*, cum necesse fuerit ad loca necessaria convenire faciat, ad ordinationes consulendum & a- wardas suas faciendum pro salvatione ter- rarum prædictorum Mariscorum. Ita quod semper stent ordinationi & consuetudini dic- torum Juratorum ad minus terræ perden- dum, & ad plus salvandum, nulla consuetu- dine resistente. Salvo semper tenore cartæ Domini Regis communitati dicti Marisci con- cessione, ac etiam ordinationibus Dominorum *Henrici de Bathonia* & prædicti *Johannis de Lovetot*, & Sociorum suorum in suo robore duratura.

Ordinatio Domini *Thomæ de Lodelowe*,
Justi-

Lord the King granted to the communalty of the said Marsh, and the Ordinance of the said Henry de Bathonia, to indure for ever in his own force.

Before William de Walleyns and his fellows assigned to overse the Walls and Watergages in the Countrey of Kent, on Munday next ensuing the Feast of S. Mildred the Virgin, at Newchurch, in the second year of the Reign of King Edward, son of King Edward.

William de Walleyns and his fellows assigned to oversee the Walls, &c. in Kent. An. secundo Edward. li 3.

It was ordained, of common assent of the Lords of the Marsh of Lyde and Oxene, and on the part of our Lord the King commanded, that henceforth the common Bayliff of our Lord the King in Romney Marsh, do overse the same Bayliffs and Jurors in the same Marshes of Lyde and Oxene, and them and also 24. Jurors in Romney Marsh, when need shall be, he cause to met at fit places, to consult of Ordinances and make their awards, for safety of the Lands of the same Marshes. So that they always stand to the Ordinance and Custom of the said Jurors, for the least hurt and best safety of the Land, any Custom notwithstanding. Saving always the Tenor of the Charter of our Lord the King, granted to the Communalty of the said Marsh, and also the Ordinances of the Lords Henry de Bathonia, and the said John de Loverot and his fellows, which shall continue in their strength.

Ordained that henceforth the Kings Common Bailiff of Romney-Marsh do oversee the Bailiffs and Jurors of the same Marshes of Lyde and Oxene, and to Summon them as occasion.

The Ordinance of the Lord Thomas de Lodelowe

Justiciarii Domini Regis & Sociorum suorum
apud *Crowthorne* die lunæ proxime post
festum anno Regni Regis
Edwardi tertii post conquestum tricesimo
tertio virtute Commissionis Domini Regis
eius directi cujus tenor sequitur in hac ver-
ba.

Commissio Regis
Edw. 3. Tho.
Dominio Lade-
uro & aliis
Anno 33. Regni
su.

Rex dilectis & fidelibus suis *Thoma Lodelowe*, *Roberto Belknap*, & *Thoma Culpeper*, salutem. Ex gravi querela venerabilis patris *Simonis* Archiepiscopi Cantuariensis & aliorum Terras infra præcinctum Marisci de Romane tenentium accepimus quod cum omnes Terræ illæ juxta costeram maritimam jaceant, & absque continua custodia Walliarum Gutterarum & Fossatorum & aliarum defensionum tam pro exclusione aquæ maritimæ quam pro evacuatione aquarum dulcium, ibidem factarum nequeant ullo modo defendi & salvari, per quod tempore Domini *Henrici* quondam Regis Angliæ proavi nostri per *Henticum de Bathonia* & socios suos Justiciarios ejusdem proavi nostri ad dictas Wallias Fossatas & Gutteras, ac defensionem inde supervidendas, & fieri & reparari faciendas inter alia ordinatum fuisset, quod quicunque tenentium & residentium infra præcinctum prædictum, quem major pars Dominorum dominium infra eandem præcinctam habentium eligerunt foret Ballivus ad scotta pro reparatione & sustentatione Walliarum Gutterarum Fossatorum & defensionum

Lodelowe, Justice of our Lord the King and his fellows at Crowthorne, on munday next after the Feast in the 32, year of the Reign of King Edward the third after the Conquest, by vertue of a Commission of the Lord the King to them directed, whose Tenor followeth in these words.

The King to his welbeloved and faithful Thomas Lodelow, Robert Belknap, and Thomas Culpeper, greeting. By the grievous complaint of the reverent father Symon Archbishop of Canterbury and others, having Lands within the precinct of Romney Marsh, we are advertised, That whereas all their Lands lye nigh to the Sea Coast, and without continual keeping the walls, gutters and ditches and other defences, as well for avoiding the sea-water, as excluding the fresh Waters there made, by no means can be defended and saved, for which in the time of the Lord Henry late King of England our Great Grandfather, by Henry de Bathonia and his fellows, Justices of the same our Grandfather, to oversee the Walls, Ditches and Sluces, and the defence thereof, and to cause to be made and repaired, among others it was Ordained, that whosoever of the Tenants, and men resident within the said Precinct, whom the greater part of the Lords having Rule within the said Precinct would chose, should be Bailiff to levy the Assessments for reparations and upholding the Walls, Sluces, Ditches

The Commission of King Edw. 3. unto the Lord Lodelowe, in the 38 year of his Reign.

tionum prædictorum assessa levandum prout in ordinationibus prædictis plenius poterit apparere: & licet juxta ordinationes illas *Joannes at Lese* tenens & residens infra præcinctum prædictum ad dictum officium dicti Ballivi ad dicta scotta levandum per Dominos Marisci prædicti, in forma prædicta infra præcinctum illum electus fuerit & deputatus *Matheus* tamen *at More*, & alii complices sui per falsas covinas adinvicem confederati & alligati, ad unum alium Ballivum ibidem assensu suo qui Amicis suis parceret, & alios indebite contra ordinationes prædictas oneraret faciendum, prædictum *Johannem*, adeo terruerunt & horribiliter comminabantur ac alias impediverunt, quod secundum prædictam ordinationem officium assumere noluit nec audebat: & sic in defectu dicti Ballivi totus Mariscus prædictus per superinundationem aquarum indies imminantium in periculo perditionis existit nisi super hoc celerius remedium apponatur. Nos advertentes damna & pericula, quæ tam nobis quam toto regno nostro & præcipue in partibus illis ex superinundatione hujus nisi congrua defensio ad excludendas & evacuandas aquas prædictas fiat, poterint evenire; ac volentes damnis & periculis hujus præcavere: assignavimus vos tres vel duos vestrum ad supervidendum & reparari faciendum Wallias, Gutte-
ras, Fossata & cæteras defensiones in Marisco præ-

*Commissionar.
assignat' ad su-
pervidenda &
reparand' Wal-
lias.*

Ditches and Defences aforesaid : as in the same Ordinances is more apparent , and albeit , according to the same Ordinances , John at Lease Tenant and resident within the same Precinct, to the said Office of Bailiff to levy the Assessments aforesaid , by the Lords of the same Marsh in form aforesaid within that precinct was chosen and deputed : notwithstanding Mathew at More and other his confederates by their false Deceits being confederate and knit together , to make another Bailiff there by their own assent, which might be partial to his Friends , and unduly burthen others against the said Ordinances , did so terrify the said John , and cruelly threaten him , and otherwise hinder him , that he cannot nor dare take upon him the Office accordingly , and so in default of the same Bailiff , all the said Marsh by overflowing of Waters daily coming , remaineth in peril to be spoiled, unless speedy redress in this behalf be had. We respecting the hurt and peril , which as well to us, as to all our Kingdom, and specially in those parts, by overflowing hereof, unless meet defence to exclude and avoid the same Waters, be done, may happen , and willing to prevent these hurts and dangers, have assigned you, three or two of you, to oversee and repair the Walls, Sluces, Ditches, and their Defences made in the same Marsh, and

Commissioners
to oversee the
Walls and the
Ordinances
made touching
the same.

*Commissionar'
super-videre &
corrigere Ordina-
tiones & ubi
neceſſe eſt novas
ordinationes fa-
cere.*

*Et etiam ad
inquirendum
per Jurat. de
transgr. &
contempt. factis
& eaſdem ad
audiend' &
terminand.*

prædicto factas, quam ad ſupervidendum ordinationes prædictas, & in caſu quo ordinationes illæ pro ſalvatione & deſenſione Mariſci prædicti, contra ſuperinundationem prædictam minus ſufficientes inveniantur, ad eaſdem ordinationes corrigendas & emendandas: & ſi neceſſe fuerit ordinandas de novo qualiter Mariſcus prædictus, contra aquas prædictas, quibuſcunque caſibus de cætero imminentibus melius ſalvari & defendi poterit, & ad punitiones rigidas contra eos, qui contra formam ordinationum per vos tres vel duos veſtrum ſic faciendum in aliquo non venerint vel delinquerint ſtatuenda, & ad eaſdem ordinationes ut perpetuo obſerventur circumquaque in partibus illis proclamari, & ad omnia alia quæ pro ſalvatione & deſenſione Mariſci prædicti, ac excluſione & evacuatione aquarum prædictarum neceſſaria & opportuna fuerint fieri faciendum. Et etiam ad inquirendum per Sacramentum proborum & legalium hominum de Comitatu Kancix de confederationibus covinis & allegationibus prædictis, necnon de tranſgreſſionibus & contemptibus nobis per præſatum *Matheum* & complices ſuos nobis in hac parte factis, & de nominibus eorundem complicum, & ad eaſdem confederationes covinas allegationes tranſgreſſiones & contemptus prædictos audiatis & terminetis audiendas & terminendas ſecundum

and to oversee the same Ordinances, and in case that the Ordinances for the safety and defence of the said Marsh be found insufficient for the same overflowing, to correct and amend those Ordinances, and if need shall be, to ordain a new, such as the said Marsh may be defended against the same Waters from henceforth what chances soever should happen, and for grievous punishments against those which against the form of the Ordinances by you, three or two of you to be done, in any wise will not come, or will forsake your Decrees: And that you cause the same Ordinances to be proclaimed, that they may be for ever Circumspectly observed in those parts, and that ye cause all things else to be performed, which for the safety and defence of the said Marsh, and excluding and avoiding the same Waters, shall be needful and fit. And also to enquire by the Oath of honest and lawful men of the County of Kent of the Confederacies, Cobens, and Allegations aforesaid, and also of the trespasses and contempts to us by the said Mathew and his Complices in that behalf made, and of the names of those adherents, and that ye hear and determine the same Confederacies, Cobens, Allegations, Trespasses, and Contempts aforesaid to be heard and determined according to the

The Commissioners empowered to correct the Ordinances where defective, and to make new if occasion require.

To summon a Jury to enquire of Contempts and to punish Offenders.

dum legem & consuetudinem Regni nostri. Et ideo vobis mandamus quod ad certos dies & loca quos vos tres vel duo vestrum ad hoc provideritis omnia & singula prædicta ac inquisitiones super his factas, & confederationes, covinas, allegationes, transgressiones & contemptus prædictos, audiat & terminet in forma prædicta, facturi inde quod ad iusticiam pertinet secundum Legem & consuetudinem Regni nostri. Salvis nobis americanentis aliis inde spectantibus. Mandavimus enim Vicecomiti nostro Comitatus prædicti, quod ad certos dies & loca, quos vos tres vel duo vestrum ei scire faciatis venire faciat coram vobis tribus vel duobus vestrum tot & tales probos & legales homines de Balliva sua per quos rei veritas in præmissis melius sciri poterit & inquire. In cujus rei Testimonium, &c. Teste, &c. apud Westmonaster. decimo septimo die *Februarii* Anno supradicto. Per quod mandatum iidem *Thomas, Robertus & Thomas*, Anno die & loco supradictis per consensum Dominorum, Ballivi, viginti quatuor Juratorum & communitatis ejusdem Marisci, videlicet per *Johannem Frances* Attornatum Domini *Simonis* Cantuariensis Archiepiscopi, Abbatem Sancti Augustini Cantuariensis, Priorem Ecclesiæ Christi Cantuariensis, *Simonem* Magistrum domus Dei donorum, *Edmundum Staplegate*, Dominum de *Bilfington* inferiori, & cæteros Dominos ad hoc specialiter

the Law and Custom of our Realm. And therefore we command you, that at certain days and places which you, three or two of you shall limit in that behalf, ye hear and determine all and singular the same business, and the confederacies, cobings, allegations, trespasses and contempts aforesaid in form aforesaid, and that ye do further that which to Justice shall appertain, according to the Law and Custom of our Realm. Reserving to us the other Amerceaments thereby accruing. For we have commanded our Sheriff of the same County, that at certain days and places which you three or two of you shall appoint him, he cause to come before you, three or two of you, so many and such honest and lawful men of his Bailiwick, by whom the truth of the matter in the premises may be known and inquired. In witness whereof, &c. witness, &c. at Westminster, the seventh day of February, in the year abovesaid. By which mandate, the said Thomas, Robert and Thomas, in the year day and place aforesaid, by consent of the Lords, Bailiffs, 24. Jurors and Communalty of the same Marsh, that is to say, by John Francis the Attorney of Lord Simon of Canterbury, Archbishop of Canterbury, the Abbot of S. Augustine of Cant. the Prior of Christs Church of Cant. Simon, Master of the House of Gods Gifts, Edmond Staplegate, Lord of Billington the less, and other Lords hereunto specially

*Ordinatum est
quod Communis
Ballivus eli-
gatur per com-
munem assen-
sum Dominorum
villarum infra
quindenam St.
Michaelis annu-
atim.*

*Si electus ille
presens & offici-
um illud ad-
mittere noluit
amercietur ad
40 s. levare per
Ballivum subse-
quend.
Pec. Ballivi.*

cialiter electos, cum quibusdam etiam communitatis scilicet per *Wilbelmum de Ecchingham*, & *Stephin de Valcyns* Christus, *Willibelmum de Horne*, & *Jacobum de Capelle* ad hoc pro prædicta Communitate electos, ordinaverunt & statuerunt quod communis Ballivus Marisci de *Romene*, qui terras habet simul & resideat eligatur per communem assensum Dominorum villarum ejusdem Marisci vel per Artornatos suos speciales & ubi major pars eorum numero consenserit stabitur electioni in lastis tenendis apud *Demecherche* vel *Newcherch*, aut aliis locis congruis, infra præcinctum dicti Marisci infra quindenam sancti Michaelis annuatim per summonitionem Ballivi prædicti nisi infra annum illum ex necessitate & causa rationabili oporteret Ballivum illum amoveri, & alium loco suo poni. Et si electus ille præsens fuerit & officium illud admittere noluerit amercietur statim in quadraginta solidis quos subsequens Ballivus de bonis & catallis suis levare faciat ad communem utilitatem Marisci prædicti. Et sic fiat nova electio incontinenti alterius Ballivi qui Juramentum & officium illud admittat, & habeat pro labore suo dupla levanda quæ tempore suo de Scottis assessis & levatis contingant ac etiam dupla omnium denariorum suorum in negligentia aliorum, quorumcunq; appositorum. Et si electus ille imposterum per quoscunque impediatur, quominus

ſpecially choſen, with certain alſo of the
Communalty, to wit, by William of Ec-
chingham and Stephen de Valcyns Chri-
ſtus, William de Horn, and James de Capele,
hereunto for the ſaid Communalty elected,
have ordained and eſtabliſhed that the com-
mon Bailiff of Romney-Marſh which hath
Lands and is alſo reſident there, be choſen
by the common aſſent of the Lords of the
Towns of the ſame Maſh, or by their ſpe-
cial Attoznieſ, and where the greater part of
them in number ſhall agree, their choiſe ſhall
ſtand in keeping Aſſemblies at Demecherch
or Newcherch, or other meet places within
the precinct of the ſaid Maſh, in quindena of
S. Michael yearly by the Summens of the
ſaid Bailiff, except within that year for
ſome neceſſary and reaſonable cauſe, that
Bailiff ought to be put out, and another
ſet in his place. And if he which is
choſen being preſent, will not take up-
on him that Office, he ſhall be forthwith
amerced in forty ſhillings, which the ſuc-
ceeding Bailiff may cauſe to be levied
of his Goods and Chattels for the com-
mon benefit of the ſaid Maſh. And ſo
let there be a new choiſe made forth-
with of another Bailiff, which will allow
of the Oath and Office, and let him have for
his labour the fines to be levied which
happen of the Aſſeſſments, and alſo the
double of all his Tenthſ laid out for
the negligence of others whatſoever.
And if he which is choſen be after-

Ordained that
the Common
Bailiff of Rom-
ney-Marſh be
choſen by the
Common aſſent
of the Lords of
the Towns of
the ſame Maſh
in quindena of
St. Michael
yearly.

If the Bailiff
choſen reſuſe,
ſhall be amer-
ced 40 s. and
a new one
elected.

Bailiffs Fees.

Impedientes puniuntur.

Si Ballivus electus sit absens tempore Electionis, ille distringetur per Bona & Catalla quæ impartiantur quousque sacramentum præstaverit.

Communes Collectores omnium Scottorum Ballivo jurat & Communitati computabunt. Computum inscriptum per indenturas fieri.

minus electus ille officium illud admittere non audeat, statim hujus impedientes per electores prædictos puniantur singulatim prout dictus Ballivus puniretur, si juramentum facere & officium illud admittere noluerit. Et si contingat, quod ille tempore electionis absens fuerit statim per Ballivum Marisci tunc prædecessorem existentem distringetur per omnia bona & Catalla sua & impertiantur locis congruis & consuetis, & ibidem detineantur quousque Archiepiscopo Cantuariensis, Abbati sancti Augustini Priori Ecclesiæ Christi Cantuariensis qui pro tempore fuerint, vel uni eorum accesserit & officium illud admiserit, & Sacramentum suum præstaverit, & super hoc literas suas sigillis signatas detulerit Ballivo prædecessori suo, & hoc faciet infra sex dies proxime post dictam electionem factam, alioquin puniatur, ut prædictum est, & statim fiat nova electio, ad quod lastum principale prædicti communes Collectores omnium præcedentium generalium scottorum & etiam expeditores coram Dominis prædictis, vel eorum attornatis si interesse velint Ballivo viginti quatuor Juratoribus & communitate Marisci prædicti computabunt & fiat computum inscriptum per Indenturas factas inter ipsos & Ballivum ac viginti quatuor Juratores & Communitatem prædicti Marisci eodem modo fiat computum Ballivi de his, quæ sibi contingat computare. Et si aliquis

wards hindered by any, whereby after he is chosen, he dare the less take upon him that office, forthwith those hinderers shall be severally punished by the same choosers, as the same Bailiff should be punished, if he would refuse the same oath and office: And if it happen that he in the time of his Election shall be absent, he shall be forthwith distrained by the preceding Bailiff of the said Marsh, by all his Goods and Chattels, and they shall be bestowed in places meet and accustomed, and there detained, until he shall come to the Archbishop of Canterbury, the Abbot of S. Augustine, the Prior of Christ-Church in Canterbury, which for the time shall be, or to one of them, which for the time shall be, and will perform the Oath, and thereupon shall bring their Letters marked with their Seals to the preceding Bailiff, and shall do the same within six days next after the same choise made, otherwise let him be payned as is aforesaid, and straightway let a new choise be made. At which principal Assembly, the said common Collectors of all the preceding General Assessments, and also the defrayers thereof, shall account before the said Lords or their Attornies, if they will be present, unto the Bailiff, four and twenty Jurors, and communalty of the same Marsh, and let the account be done by Indentures made between them, and the Bailiff and 24. Jurors and communalty of the same Marsh, let the account of the Bailiff for those things which happen to him be done in the same manner.

Hinderers to be punished.

If the Bailiff Elected be absent, he shall be distrained by his Goods to be kept till he Perform his Oath.

Common Collectors of Assessment to account unto the Bailiff, Jurors, and Communalty.

The Account to be by Indentures. Bailiff to do the like.

*Aliquis jurat
defalt' faciens
lasto principali
amercietur.
12 d.*

*Si aliquis ju-
rat' amovetur
alius eligitur.*

*Eodem modo
fiat de Collecto-
ribus.
Jurat' Collecto-
res, &c. recu-
santes prestare
Sacramentum
amercietur
20 s.*

*Juratores sum-
moniti & non
comparentes
amercientur.
6 d.*

liquis prædictorum viginti quatuor Jura-
torum faciat defaltam in prædicto lasto
principali, nisi rationabilem habeat excu-
sationem, amercietur in duodecim dena-
riis ad opus communitalis per Ballivum
levandis Et si contingat quod aliquis
viginti quatuor Juratorum discedat infra
annum, vel amoveri oporteat loco suo
alius eligatur & ponatur in lasto princi-
pali prædicto per Dominos feodorum Bal-
livum viginti quatuor Juratores & com-
munitatem de fidelioribus sapientia & diti-
oribus ejusdem Marisci usque ad nume-
rum prædictorum viginti quatuor comple-
torum. Eodem modo fiat de Collecto-
ribus & expeditoribus, ita quod non
eligantur de prædictis viginti quatuor Jura-
toribus si Domini prædicti interesse velint. Et si
quis prædictorum viginti quatuor Juratorum
Collectorum vel expeditorum electus fuerit,
& sacramentum præstare noluerit, amercietur
in viginti solidis levandis, ut prædictum est,
& statim alius loco suo eligatur & oneretur.
Et si prædicti viginti quatuor Juratores sum-
moniti fuerint, ubicunque infra præcinctum
dicti Marisci ad communem vel seperale la-
stum, ubi ad minus præter octo vel decem eo-
rum non venerunt, ita quod judicium & a-
ward pro salvatione Marisci prædicti non fi-
ant pro defectu majoris numeri absentium a-
merciatur unusquisq; absens in sex denariis per
Ballivum, ut prædictum est levandis, de quibus
& aliis similibus dictus Ballivus in principali
lasto supradicto computabit. Idem quilibet
prædicto-

And if any of the same 24 Jurors do make default in the said principal assembly, unless he hath a reasonable excuse, shall be amerced in xii pence, to the use of the Communalty to be levied by the Bailiff. And if it happen that any of the 24 Jurors depart within the year, or ought to be put out of his place, others must be chosen, and set in the principal assembly, by the Lords of the Fees, the Bailiff, the 24 Jurats, and Communalty of best discretion and ability of the same Marsh, to make up the same number of four and twenty. In like manner also let be done touching the Collectors and Defrayers, so that they may not be chosen of the said Jurors, if the same Lords will be present. And if any of the said 24 Jurors, Collectors, or Disbursers shall be chosen, and will not be sworn, let him be amerced in twenty shillings, to be levied as is aforesaid, and forthwith others chosen and charged in their stead. And if the said four and twenty Jurats shall be summoned wheresoever within the precinct of the said Marsh, at a common or special meeting, where all but eight or ten of them at the least were absent, so as judgment and award for safety of the said Marsh may not be made, for safety of the same Marsh in default of the greater number, being away, every of them being absent, shall be amerced by the Bailiff in six pence, as is aforesaid, to be levied. Of which and other like things the said Bailiff shall account in the principal Assembly abovesaid. Also every of

If any of the Jurors make default in the Assembly they to be Amerced 12 d.

If any be put out of their place, others to be chosen.

The like for the Collectors.

Jurors, Collectors, &c. refusing to be Sworn, to be Amerced 20 s.

The Jurors not appearing on Summons, to be Amerced 6 d.

Sacramentum
4. *Juratorum.*

Sacramentum
Collectorum &
expositorum.

Sacramentum
Ballivorum.

prædictorum viginti quatuor Juratorum ,
jurabit quod cum sociis suis juratis vere
judicia & awarda faciat non parcendo
alicui diviti aut pauperi tam districtioni-
bus faciendis quam de Wallis Landiis
Watergagiis Seweris Foveis & Guteris
Pontibus & aliis impedimentis quibuscun-
que infra præinctum Marisci prædicti
contingendis amovendis & transgressionibus
puniendis , & quod sint intendentes Bal-
livo Marisci prædicti ad districtiones cap-
tas & impercatas per tres dies & plus
appreciandum & vendendum locis con-
suetis , & quod ipse omnia judicia &
awarda per ipsos facta irrotulare & inden-
turam inde faciat inter ipsos & Ballivum
prædicti Marisci qui pro tempore fuerit. Item
Collectores & expeditores electi ut supra-
dictum est, jurabunt quod fideliter levabunt
colligent & expendent , & computabunt de
omnibus scottis, assessis per Dominos Ballivum
& viginti quatuor Juratorum vel majorem
partem eorundem. Et eodem modo fiat & ob-
servetur in omnibus Aquagagiis infra præ-
inctum dicti Marisci, & coram Dominis villa-
rum cujuscunq; si interesse velint. Item Balli-
vus jurabit quod ipse fideles executiones faciet
de judiciis & considerationibus prædictorum
viginti quatuor Juratorum & de his quæ ad
ipsos pertinent judicare & awardare. Et quod
ipse in propria persona sua omnes Collectores
& expeditores tam generales scottas quam
separales Aquagagias assellas ut prædictum est
onerabit per Sacramentum fideliter levare
colli-

the said 24. Jurors shall swear, That he will make true Judgments and awards with his fellow Jurats, without sparing any, Rich or Poor, as well touching taking Distresses, as of the Walls, Lands, Watergates, Sewers, Ditches and Gutters, Bridges, and other impediments whatsoever, happening within the Precinct of the same Marsh, to be removed, and to punish offences: And that they be attendant on the Bailiff of the said Marsh, the distresses taken and detained by the space of three days and more to praise and sell in places accustomed, and that he cause all the Judgments and awards by them made, to be inrolled and Indentures thereof to be made between them and the Bailiff of the same Marsh, which for the time shall be. **And the Collectors and Defrayers chosen as is abovesaid, shall Swear,** That they shall truly Levy, Collect and dispose, and also accompt of all Assessments imposed by the Lords, Bailiff, and 24 Jurors, or the greater part of them. And in like manner let it be made and observed in all Watergates, within the Precinct of the said Marsh, and before the Lords of the Towns, if they will be present. **Also the Bailiff shall Swear** that he shall make true Execution of the Judgments and Arbitraments of the same four and twenty Jurors, and of those things which appertain to them to judge and award, And that he in proper person all the Collectors and Defrayers, as well the general, as several Assessments as is aforesaid, shall charge by Oath faithfully to Levy, Col-

The Oath of
the 24. Jurors.

Collectors and
Defrayers their
Oath.

Bailiffs Oath.

colligere expendere & computare. Et quod in propria persona sua supervideat omnes Wallias, Landeas, Watergagias, Seweres, Gutteras & Pontes, quando necesse fuerit, ad minus bis in anno semel in mense *Januarii*, & secundo mense *Junii*. Et quod liberabit successoris suo omnes evidencias quas penes se habet, tam Cartas regum Angliæ libertates & consuetudines ejusdem Marisci continentes, quam Rotulos judiciorum considerationum & awardarum per prædictos viginti quatuor Juratores cum omni processu computorum collectorum & expenditorum quorumcunque tempore suo habito. Et habeat Clericus hujus Ballivi pro labore suo de communitate Marisci prædicti sex solidos octo denarios. Non liceat alicui de cætero facere dammas vel fordas aut alia impedimenta in aliquibus Landeis, Watergageis Fossatis, sive Aquagiis communibus in Marisco prædicto, per quod rectus cursus aquarum in aliqua impediatur: Et si fecerit & hoc testificatum fuerit per Ballivum & sex de juratis vel communitate aquagii ubi damnum factum fuerit statim amercietur secundum quantitatem delicti per prædictos Ballivum & viginti quatuor Juratores, & statim levetur ad communem utilitatem ut prædictum est. Et nihilominus si quis alius quam communitas læsus fuerit ea de causa, & hoc per testimonium Ballivi & sex Juratorum probatum foret sit satisfactum læso. Item ordina-
verunt

Clericus Ballivi habere 6 s. 8 d. pro labore suo. Non licet alicui facere Dammas.

Et si fecerit Amercietur per Ballivum & Jur.

*Damnum satis-
factum fore
testo.*

lest, bestow and accompt. And that in proper person he oversee all the Walls, Lands, Watergages, Sewers, Gutters and Bridges, when it shall be needful, at least twice in the year, once in the Month of *January*, and the second time in the Month of *June*. And that he shall deliver to his Successor all the Evidences which be in his Custody, as well Charters of the Kings of *England* containing Liberties and Customs of the same Marsh, as Rouls of Judgments, considerations and Awards, by the aforesaid 24 Jurors, with all the proceedings of the Accompts Collections and Expences whatsoever in his time had. And that the Clerk of this Bailiff may have for his labor of the communalty of the same Marsh, six shillings eight pence. And that it be not lawfull henceforth to make dams or foulds or other Impediments in any Lands, Watergages, Ditches, or common Conduits in the aforesaid Marsh whereby the right course of Waters may in any wise be hindered. And if any do it and it be testified by the Bailiff and six of the Jurors, or by the Communalty of the Conduit where Damage shall be done, let him be presently amerced according to the quantity of the Offence, by the said Bailiff, and 24 Jurors, and forthwith leved for common benefit as is aforesaid. And nevertheless, if any other then the Communalty shall be hurt thereby, and the same be proved by Testimony of the Bailiff, and six of the Jurors, let him recompence the damnified. Also they

Bailiffs Clerk
his Fee.

None to make
Dams.

Offenders in
that kind to be
Amerced by the
Bailiff and 24
Jurors.

Damages to be
recompenced to
the party hurt.

*Scottas assensus
& dies solutio-
nis inde procla-
metur.*

*Quod un acra
pro Wallijs
ematur pro*

40 s.

*Non liceat
alicui opera-
rios in Com-
muni opere ex-
istentes abduce-
re sub pena 10 s.*

*Ordinatio quom-
modo Aquagii
custodiantur.*

verunt & statuerunt quod quilibet scottas assensus in dicto Marisco proclametur certis locis publicis & dies solutionis inde assignetur & proclametur ut ignoratia ulla se excusare non possit quando & quo loco solvi debeat. Item ordinaverunt & statuerunt quod quælibet acra pro Wallijs Infetenis & Watergageis ematur pro quadraginta solidis. Et quod non liceat alicui aliquos operarios in communi opere existentes, ad opus suum singulare, nec aliquo alio loco abducere anrequam dictum opus perficiatur, & si aliquis super hoc convincatur per testimonium Ballivi & Juratorum in communi lasto amercietur in decem solidis qui per Ballivum prædictum incontinenti levare debent ad communem utilitatem, ut supra. Item ordinaverunt & statuerunt quod omnes aquagii infra dictum Mariscum per quasunque terras & tenementa in quolibet aquagio sic custodiantur, videlicet quod aqua non discurrat extra rectum cursum suum, ad damnum alicujus sub pœna quantitatis delicti per Ballivum prædictum ad opus communis levandi cum quis super hoc in communi lasto per testamentum Ballivi & sex Juratorum convincatur. Et quia ab antiquo conceditur per Dominum Regem quod omnes terræ maritimæ custodiantur per leges ordinationes statuta & consuetudines prædicti Marisci de Romene ab Insula Theneti usque Penense, tam in comitatu *Kancie* quam in comitatu *Sussex* licitum sit prædictis Ballivo & viginti qua-

they ordained and established, that every assessorment in the same Marsh should be proclaimed in certain publick places, and that Day of payment thereof be assigned and proclaimed, that none ignorance may excuse when and in what place it ought to be paid. Also they have ordained and established, that every Acre for the Walls and Watergages, be bought for forty shillings. And that it be not lawful for any one, to take away labourers being in common work, for his own private business, nor to keep them in any other place, until the same work be finished. And if any one be convinced thereof, by testimony of the Bailiff and Jurors in common assembly, he shall be amerced of ten shillings, which must be leved forthwith by the said Bailiff, to the common profit as above, &c. Also they ordained and established, that all the Conduits within the said Marsh, through all the Lands and Tenements in every Watergag be so kept, that is to say, that the Water run not down out of the right course, to the damage of any body, under pain of the quantity of the offence to be leved by the Bailiff to the use of the communalty, when any one is thereupon convicted by testimony of the Bailiff and vi. of the Jurors in a common assembly. And because of old it is granted by our Lord the King, that all the Lands near to the Sea Coasts be kept by Laws, Ordinances, Statutes and Customs of the said marsh of Romney, from the Isle of Thanet unto Penensis, as well in the County of Kent, as in the County of Sur. it may be lawful for the

Americiamen
with the days
set for payment
to be proclaimed.

Every Acre for
the Walls to be
bought for 40 s.
None to take
Labourers from
the Common
Work under
pain of 10 s.

How the Con-
duits ought to
be kept.

Ballivus & Jurat' sumptos suos habere de his qui eos ad loca ducere velint ordinationes suas facere.

Si quis rescussum Ballivo fecerint de districtionibus Amercietur 20 s.

Quibus locis lex maritima currit.

quatuor juratoribus sumptos suos rationabiles petere est habere de his qui eos ad loca ducere velint, sive sint Domini sive de Communitate ubi ordinationem suam secundum legem maritimam tam in Walliis quam in Watergagiis Gutteris Seweris Piscariis, & aliis quibuscunque dictam legem tangentibus facere debeant. Item ordinaverunt & statuerunt quod si quis rescussum Ballivo Marisci vel Ministris suis fecerit de districtionibus quibuscunque captis super quoscunque occasione Articulorum præmissorum aut alicujus ordinationis pro utilitate dicti Marisci factæ seu faciendæ & super hoc per Testimonium Ballivi prædicti & sex vel octo Juratorum de prædictis viginti quatuor vel aquagii ubi districtio capi contigerit vincatur per amerciammentum viginti solidorum, ad opus Communitatis levandorum per Ballivum, ut supra. Eodem modo fiat in locis ubi Lex maritima currit inter Insulam Theneti & Penensi sive in Comitatu *Kancia*, sive in Comitatu *Suffex*.

F I N I S.

the said Bailiff and four and twenty Jurors, to ask and have their reasonable Costs of those which will bring them to places, whether they be Lords or of the Communalty, where they ought to make their Ordinance according to the Law of the Sea Coast, as well in Walls as in Watergages, Butters, Setwers, Fishings, and other things whatsoever touching the same Law. Also they have Ordained and Established, that if any make rescues upon the Bailiff of the Marsh, or his Ministers for any Distresses whatsoever taken upon whomsoever, by occasion of the same Articles, or of any Ordinance made or to be made for the benefit of the said Marsh, and thereupon by Testimony of the said Bailiff, and six or eight of the Jurors of the said four and twenty, or of the Conduit where the Distress shall happen to be taken, he be convicted, let him be payned by Amerciament of twenty shillings, to be leyed to the use of the Communalty by the Bailiff as aforesaid. In like manner let be done in places where the Law of the Sea Borders runneth twixt the Isle of Thanet and Penensis, or in the County of Kent, or in the County of Suffex.

The Bailiff and Jurors to have their Costs where ever they shall make their Ordinance according to the Law of the Sea Coast.

Such as make rescues upon the Bailiff to be Amerced 20 s.

How far this Law of the Sea Coast shall extend.

FINIS.